

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



BOARD OF CURATORS

Minutes of the Board of Curators Meeting  
February 9-10, 2017  
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 10 A.M., on Thursday, February 9, 2017, in Stotler Lounge of the Memorial Student Union on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Maurice B. Graham, Chair of the Board of Curators, presided over the meeting.

Present

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

Also Present

Mr. Michael A. Middleton, Interim President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Mr. Walter Branson, Vice Chancellor of Finance and Administration, Missouri S&T  
Mr. John Fougere, Chief Communications Officer, UM System  
Media representatives

**General Business**

Change in Meeting Protocol for February 9-10, 2017 Board of Curators Meeting –

It was moved by Curator Phillips and seconded by Curator Cupps that for the February 9-10, 2017 meeting only, the Board shall forego committee reports and votes and proceed “informally” on all matters in the following manner:

1. The Board Chair to appoint leaders to lead the discussion on information and action items customarily within the charge of the 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 Cupps voted yes.

Curator Graham voted yes.

Curator Henrickson voted yes.

Curator Phillips voted yes.

Curator Snowden voted yes.

Curator Steelman voted yes.

The motion carried.

Review of Consent Agenda – Curator Cupps requested consent agenda item #5, Amendment to Collected Rules and Regulations 220.030, Honorary Degrees be removed for discussion.

Resolution for Executive Session of the Board of Curators Meeting

It was moved by Curator Phillips and seconded by Curator Snowden, that there shall be an executive session with a closed record and closed vote of the Board of Curators meeting February 4-5, 2017 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 Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

The public session of the Board of Curators meeting recessed at 10:05 A.M. on Thursday, February 9, 2017.

**Board of Curators Meeting – Executive Session**

A meeting of the University of Missouri Board of Curators was convened in executive session at 10:12 A.M., on Thursday, February 9, 2017, in South 304 of the Memorial Student Union on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Pamela Q. Henrickson, Chair of the Board of Curators, presided over the meeting.

Present

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

Also Present

Mr. Michael A. Middleton, Interim President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy S. Harmon, Secretary of the Board of Curators  
Dr. Mun Y. Choi, President Designate, UM System  
Dr. Kevin McDonald, Chief Diversity Officer  
Ms. E. Jill Pollock, Interim Vice President of Human Resources  
Ms. Marsha Fischer, Attorney, UM System  
Ms. Emily Love, Strategic Initiatives and Operations Consultant, UM System

**General Business**

Legal Advice - General Counsel Owens and Ms. Fischer

No action taken by the Board.

The executive session of the Board of Curators meeting recessed at 10:50 AM.

**PUBLIC SESSION**

A meeting of the University of Missouri Board of Curators was reconvened in public session at 11:10 A.M., on Thursday, February 9, 2017, in Stotler Lounge of the Memorial Student Union on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Maurice B. Graham, Chair of the Board of Curators, presided over the meeting.

Present

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

Also Present

Mr. Michael A. Middleton, Interim President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Dr. Gary K. Allen, Vice President for Information Technology  
Dr. Henry “Hank” Foley, Interim Chancellor for University of Missouri-Columbia  
Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis  
Mr. Stephen C. Knorr, Vice President for University Relations  
Mr. Leo E. Morton, Chancellor for University of Missouri-Kansas City  
Dr. Robert W. Schwartz, Interim Vice President for Academic Affairs, Research and  
Economic Development  
Ms. E. Jill Pollock, Interim Vice President for Human Resources  
Mr. Ryan D. Rapp, Interim Vice President for Finance and CFO  
Mr. Walter Branson, Vice Chancellor of Finance and Administration, Missouri S&T  
Dr. David R. Russell, Chief of Staff, UM System  
Mr. John Fougere, Chief Communications Officer, UM System  
Media representatives

**Finance**

Information

1. Budget Update, UM (slides on file)
2. Project Design, University of Missouri Teaching Hospital West Wing Expansion & Renovation, MU (information on file)
3. Project Information, Center for Missouri Studies, State Historical Society of Missouri, MU (information on file)

Fiscal Year 2018 Student Housing and Dining Rates, UM – presented by Interim Vice President Rapp (slides and information on file)

It was recommended by the respective Chancellors, endorsed by Interim President Middleton, moved by Curator Steelman and seconded by Curator Cupps, that the attached

schedule of rates for the Residence Halls and Family Student Housing at MU, UMKC, Missouri S&T, and UMSL be approved effective beginning with the 2017 Summer Session.

Roll call vote of Board:

- Curator Cupps voted yes.
- Curator Graham voted yes.
- Curator Henrickson voted yes.
- Curator Phillips voted yes.
- Curator Snowden voted yes.
- Curator Steelman voted yes.

The motion carried.

Tuition Rate for Illinois Resident Students, UMSL – presented by Interim Vice President Rapp (slides and information on file)

It is recommended by Chancellor George, endorsed by Interim President Middleton, moved by Curator Steelman and seconded by Curator Phillips, that a special tuition rate for Illinois resident undergraduate students attending the University of Missouri – St. Louis be established.as amended:

- a) This ~~tuition rate~~ program shall be known as the Illinois undergraduate tuition rate and will begin in FY2018 for undergraduate students attending the University of Missouri – St. Louis who are residents of Illinois.
- b) The rate shall be greater than or equal to the Missouri undergraduate tuition rate and subject to customary approval by the Board.
- c) The ~~Illinois rate~~ program will be re-evaluated after five years (for FY2023) and will either be eliminated or extended for another five-year period.
- d) This tuition ~~rate~~ program will be effective with the Fall 2017 term.
- e) The FY2018 Illinois undergraduate rate will be equal to the Missouri resident undergraduate rate.

Roll call vote:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.  
The motion carried.

Revised Collected Rules and Regulations 230.010 Tuition and Supplemental Course Fees, UM – presented by Interim Vice President Rapp (information on file)

It was recommended by the respective Chancellors, endorsed by Interim President Middleton, moved by Curator Steelman and seconded by Curator Snowden, that changes to the Collected Rules and Regulations Chapter 230:010: Tuition and Supplemental Course Fees be made to remove Subsection D. Tax Credit to provide consistency with action taken by the Missouri Coordinating Board for Higher Education in December 2016 to remove this requirement for Missouri higher education institutions.

Roll call vote:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

**Collected Rules and Regulations  
Programs, Courses and Student Affairs  
Chapter 230: Student Fees**

**230.010 Tuition and Supplemental Course Fees**

Bd. Min. 6-29-79; Amended Bd. Min. 12-17-82; Amended Bd. Min. 5-2-86; Amended Bd. Min. 1-27-95; Amended Bd. Min. 5-4-06; Amended Bd. Min. 12-9-16; Amended Bd. Min. 2-9-17.

**A. Authorization and Approval**

1. The Board of Curators shall set and approve tuition and supplemental course fees charged to undergraduate, graduate, and first-professional students enrolled at the University.
2. The amount of the tuition and supplemental course fees for each student level shall be assessed for any credit course enrollment.
3. The University reserves the right to make changes at any time in any or all tuition and fees without advance notice.

**B. Tuition and Supplemental Fee Assessment**

1. Assessment of tuition and supplemental fees shall be based on the credit value of a course, a flat fee per semester, or an equivalent value in the case of a zero-credit course. Assessment of tuition and fees shall be made regardless of whether a student is enrolled in a course for credit or auditing a course.
2. Residents of Missouri, as defined in [Section 230.020](#), shall be assessed the tuition at resident rates. Students who are not residents of Missouri shall be assessed the tuition at nonresident fees.

**C. Tuition Waivers** -- The Board delegates to the President of the University of Missouri System or his/her designate the authority to waive all or a portion of the tuition, if deemed appropriate and for sound educational purposes.

**D.** Effective on the date of adoption hereof, the Board hereby revokes and repeals all previous rules and regulations adopted by the Board authorizing, establishing or limiting the amount of tuition, educational and supplemental course fees. This action shall not be construed to revoke or repeal any schedule or listing of educational and supplemental course fees currently in effect. The Board finds such action to be necessary for the maintenance and operation of the University.

**Noon – 1 P.M. - Luncheon by Invitation for the Board of Curators, Interim President, University of Missouri Interim Chancellor and University of Missouri Student Leaders**  
North 214 and 215 Benton Bingham Room, Memorial Student Union



### **Finance Business Continued**

Architect Approval, Memorial Stadium South Expansion, MU – presented by Interim Vice President Rapp (information on file)

It was recommended by Interim Chancellor Foley, endorsed by Interim President Middleton, moved by Curator Snowden and seconded by Curator Phillips, that the following action be approved:

that the Interim Vice President for Finance be authorized to employ the firm of Populous, Inc., Kansas City, Missouri, for design services for the Memorial Stadium South Expansion project for a fee of \$4,310,000, for the University of Missouri-Columbia.

Funding of the project budget is from:

Gifts	\$ 4,310,000
-------	--------------

Roll call vote:

Curator Cupps voted yes.

Curator Graham voted yes.

Curator Henrickson voted no.

Curator Phillips voted yes.

Curator Snowden voted yes.

Curator Steelman voted yes.

The motion carried with five votes in favor and one opposed.

### **Compensation and Human Resources**

#### Information

1. Annual Benefits and Retirement Update (slides and information on file)

### **Combined Academic, Student and External Affairs and Compensation and Human Resources**

Amendments, Collected Rules and Regulations as related to Diversity, Equity and Inclusion - presented by Kevin McDonald and Emily Love (slides and information on file)

It was recommended by Kevin McDonald, Chief Diversity Officer, Bob Schwartz, Interim Vice President for Academic Affairs, Research and Economic Development, and Jill Pollock, Interim Vice President for Human Resources, endorsed by President Middleton, moved by Curator Phillips and seconded by Curator Snowden, that the following action be approved:

The University's Collected Rules and Regulations be amended as set forth in the attached (and as on file with the minutes of this meeting).

**Records Management -**

- 180.020 – Student Records
- 180.040 – NEW – Student Preferred Name Policy
- 180.060 – Personnel Files

**Students -**

- 200.010 – Standard of Conduct
- 200.020 – Rules of Procedures in Student or Student Organization Conduct Matters
- 250.010 – Approval of Student Organizations
- 390.010 – Student Grievance Procedure

**Faculty and/or Staff -**

- 310.025 – Extension of Probationary Period for Faculty on Regular Term Appointment
- 320.035 – Policy and Procedures for Promotion and Tenure
- 320.070 – Academic Appointments
- 330.065 – Consensual Romantic Relationship Policy
- 340.010 – NEW – Policy Related to Family and Medical Leave (moved and revised from HR Policy Manual)
- 340.070 – Faculty Leave
- 370.010 – Academic Grievance Procedure
- 380.010 – Grievance Procedure for Administrative, Service and Support Staff

**Equal Employment/Educational Opportunity -**

- 90.050 – Civil Rights Act of 1964
- 600.010 (previously 320.010) Equal Employment/Educational Opportunity and Nondiscrimination Policy
- 600.020 – Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy

- 600.030 (previously 200.025) Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Student or Student Organization
- 600.040 - Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Faculty Member
- 600.050 - Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Staff Member
- 600.060 – NEW - Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against the University of Missouri
- 600.070 (previously 240.040) – Policy Related to Students with Disabilities
- 600.080 – NEW - Policy Related to Employees with Disabilities

Roll call vote of Board:

- Curator Cupps voted yes.
- Curator Graham voted yes.
- Curator Henrickson voted yes.
- Curator Phillips voted yes.
- Curator Snowden voted yes.
- Curator Steelman voted yes.

The motion carried

### **Collected Rules and Regulations 180.020 Student Records**

Bd. Min. 6-10-59, p. 15,059; Bd. Min. 2-28-25; Amended 3-18-77; Bd. Min. 5-24-01; Amended 7-24-09; Amended 12-7-12; Amended 2-9-17.

- A. **Purpose**—The purpose of this regulation is to set forth the guidelines governing the protection of the privacy of student records and to implement The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment; Pub. L. 93-380, as amended). These regulations apply to all students who are or have attended the University of Missouri.
- B. **Definitions**
  - 1. “**Act**” means the Family Educational Rights and Privacy Act of 1974, as amended, enacted as Section 444 of the General Education Provisions Act.
  - 2. “**Attendance**” at the University includes, but is not limited to:

- a. The term means the period of time during which a student attends the University. Examples of dates of attendance includes an academic year, a spring semester, a fall semester, a summer semester or a summer session.
- b. The term does not include specific daily records of a student's attendance at the University.
3. **"Directory Information/Public Information"** includes a student's name, address, e-mail address, telephone listing, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, student level, and full- or part-time status.
4. **"Disclosure"** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.
5. **"Education Records"**
  - a. The term means those records that are:
    - (1) Directly related to a student; and
    - (2) Maintained by the University or by a party acting for the University.
  - b. The term does not include:
    - (1) Records that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
    - (2) Records of a law enforcement unit of the University, but only if education records maintained by the University are not disclosed to the unit, and the law enforcement records are:
      - (a) Maintained separately from education records;
      - (b) Maintained solely for law enforcement purposes; and
      - (c) Disclosed only to law enforcement officials of the same jurisdiction;
    - (3) (a) Records relating to an individual who is employed by the University , that:
      - (i) Are made and maintained in the normal course of business;
      - (ii) Relate exclusively to the individual in that individual's capacity as an employee; and
      - (iii) Are not available for use for any other purpose.
    - (b) Records relating to an individual in attendance at the University who is employed as a result of the individual's status as a student are education records and not excepted under Section 180.020.B.5.b(3) of this definition.
    - (4) Records on a student who is attending the University, that are:
      - (a) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity;

- (b) Made, maintained, or used only in connection with treatment of the student; and
  - (c) Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the University; and
- (5) Records that only contain information about an individual after he or she is no longer a student at the University.
6. **“Parent”** means a natural parent, an adoptive parent, or the legal guardian of the student.
  7. **“Party”** means an individual, agency, institution, or organization.
  8. **“Personally identifiable information”** includes:
    - a. The student’s name;
    - b. The name of the student’s parent or other family member;
    - c. The address of the student or student’s family;
    - d. A personal identifier, such as the student’s social security number or student number;
    - e. A list of personal characteristics that would make the student’s identity easily traceable; or
    - f. Other information that would make the student’s identity easily traceable.
  9. **“Record”** means information or data recorded in any medium, including, but not limited to handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.
  10. **“Student”** means any person who is or has been in attendance at the University where the University maintains education records or personally identifiable information on such person.

**C. Notification of Access Rights by the University**

1. The University shall annually notify students currently in attendance of their rights under the Act.
2. Notice must be included in each campus’s information manual, or other publication, and must inform students that they have the right to:
  - a. Inspect and review the student’s education records;
  - b. Seek amendment of the student’s education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
  - c. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the Act and Section 180.020.M authorize disclosure without consent; and
  - d. File with the Department of Education’s Family Policy Compliance Office a complaint under Sections 99.63 and 99.64 of the Act concerning alleged failures by the University to comply with the requirements of the Act.

3. The notice must include all of the following:
  - a. The procedure for exercising the right to inspect and review education records;
  - b. The procedure for requesting amendment of records under Section 180.020.I; and
  - c. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest, as listed in Section 180.020.M.1.a.
4. The University may provide this notice by any means that are reasonably likely to inform the students of their rights. The University shall effectively notify students who are disabled.

**D. Records of the University's Law Enforcement Unit**

1. "**Law enforcement unit**" means any individual, office, department, division, or other component of the University, such as the University of Missouri Police Department or noncommissioned security guards, that is officially authorized or designed by the University to:
  - a. Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the University itself; or
  - b. Maintain the physical security and safety of the University.
2. A component of the University does not lose its status as a "law enforcement unit" if it also performs other, non-law enforcement functions for the University, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.
3. "**Records of law enforcement unit**" means those records, files, documents, and other materials that are:
  - a. Created by a law enforcement unit;
  - b. Created for a law enforcement purpose; and
  - c. Maintained by the law enforcement unit.
4. "Records of law enforcement unit" does not mean:
  - a. Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the University other than the law enforcement unit; or
  - b. Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as disciplinary action or proceeding conducted by the University.
5. The University may contact its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, state or federal law.
6. Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the

Act, as well as the disclosure provisions of Section 180.020.L, while in possession of the law enforcement unit.

**E. Rights of Inspection and Review of Education Records**

1. The University shall provide students access to their educational records except as provided in Section 180.020.G.
2. The University shall comply with a request within a reasonable period of time, but in no case more than 45 days after the request has been received.
3. The University shall respond to reasonable requests for explanations and interpretations of those records.
4. If circumstances effectively prevent the student from exercising the right to inspect and review the student's education records, the University shall:
  - a. Provide the student with a copy of the records requested; or
  - b. Make other arrangements for the student to inspect and review the requested records.
5. The University shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

**F. Fees for Copies of Educational Records**

1. Unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's education records, the University may impose a reasonable fee for reproduction costs. This fee will not exceed the actual cost of production.
2. The University shall not charge a fee to search for or to retrieve the education records of a student.

**G. Limitation on Access**

1. If the education records of a student contain information on more than one student, the student may inspect and review or be informed of only the specific information about that student.
2. The University will not permit a student to inspect and review education records that are:
  - a. Financial records, including any information those records contain, of the student's parents;
  - b. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
  - c. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:
    - (1) The student has waived the right to inspect and review those letters and statements; and
    - (2) Those letters and statements are related to the student's:
      - (a) Admission to the University;

- (b) Application for employment;
- (c) Receipt of an honor or honorary recognition.

#### **H. Waivers**

1. A waiver under Section 180.020.G.2.c. is valid only if:
  - a. The University does not require the waiver as a condition for admission to or receipt of a service or benefit from the University; and
  - b. The waiver is made in writing and signed by the student, regardless of age.
2. If a student has waived the rights under Section 180.020.G.2.c., the University shall:
  - a. Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and
  - b. Use the letters and statements of recommendation only for the purpose for which they were intended.
3. A Waiver under Section 180.020.G.2.c. may be revoked with respect to any actions occurring after the revocation. A revocation must be in writing.

#### **I. Amendment of Education Records**

1. If a student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the University to amend the record by contacting the University Registrar.
2. The University shall decide whether to amend the record as requested within a reasonable time after the request is received.
3. If the University decides not to amend the record as requested, the University Registrar shall inform the student of its decision and of the right to a hearing under Section 180.020.J.

#### **J. Rights to a Hearing**

1. The University shall give a student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.
2. If, as a result of the hearing, the University decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:
  - a. Amend the record accordingly; and
  - b. Inform the student of the amendment in writing.
3. If, as a result of the hearing, the University decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the University, or both.
4. If the University places a statement in the education records of a student, it shall:



- a. Maintain the statement with the contested part of the record for as long as the record is maintained; and
- b. Disclose the statement whenever it discloses the portion of the record to which the statement relates.

**K. Conduct of a Hearing**—Upon the request of the University official charged with custody of the records of the student, the hearing required by Section 180.020.J. shall be conducted.

1. The request for a hearing shall be submitted in writing to the campus Chancellor, who will appoint a hearing officer or a hearing committee to conduct the hearing.
2. The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing. The University shall give the student notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing shall be conducted and the decision rendered by an appointed hearing official or officials who shall not have a direct interest in the outcome of the hearing.
4. The student shall be afforded a full and fair opportunity to present evidence relevant to the hearing, and may be assisted or represented by individuals of the student's choice at the student's own expense, including an attorney.
5. The decision of the University shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
6. The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.
7. Either party may appeal the decision of the hearing official or officials to the campus Chancellor.

**L. Conditions Under Which Prior Consent is Required**

1. The student shall provide a signed and dated written consent before the University discloses personally identifiable information from the student's education records, except as provided in Section 180.020.M.
2. The written consent must:
  - a. Specify the records that may be disclosed;
  - b. State the purpose of the disclosure; and
  - c. Identify the party or class of parties to whom the disclosure may be made.
3. If a student so requests, the University shall provide him or her with a copy of the records disclosed.

**M. Conditions Under Which Prior Consent is Not Required**

1. The University may disclose personally identifiable information from an education record of a student without the consent required by Section 180.020.L. if the disclosure meets one or more of the following conditions:

- a. The disclosure is to other University officials, including instructors, within the University who have been determined by the University to have legitimate educational interests.
- b. The disclosure is to officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student is notified of the transfer, receives a copy of the record if requested, and has an opportunity for a hearing to challenge the content of the record.
- c. The disclosure is, subject to the requirements of Section 180.020.P., to authorized representatives of:
  - (1) The Comptroller General of the United States;
  - (2) The Attorney General of the United States;
  - (3) The Secretary; or
  - (4) State and local educational authorities.
- d. The disclosure is in connection with financial aid—defined as a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual’s attendance at the University—for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
  - (1) Determine eligibility for the aid;
  - (2) Determine the amount of the aid;
  - (3) Determine the conditions for the aid; or
  - (4) Enforce the terms and conditions of the aid.
- e. The disclosure is to state and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to a state statute adopted prior to November 19, 1974.
- f. The disclosure is to an organization(s) conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests, administer student aid programs or improve instruction. Such studies are to be conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of the organization, and this information will be destroyed when no longer needed for the purpose for which the study is conducted.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions.
- h. The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986, as amended.
- i. The disclosure is to comply with a lawfully issued subpoena.
  - (1) The University may disclose this information only if it makes a reasonable effort to notify the student of the order or subpoena in advance of compliance, so that the student may seek protective action, unless the disclosure is in compliance with:

- (a) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
  - (b) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
- (2) If the University initiates legal action against a parent or student, the University may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the University to process with the legal action as plaintiff.
- (3) If a parent or eligible student initiates legal action against the University, the University may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the University to defend itself.
- j. The disclosure is in connection with a health or safety emergency, under the conditions described in Section 180.020.Q.
- k. The disclosure is information the University has designated as "directory information," under the conditions described in Section 180.020.R.
- l. The disclosure is to the student.
- m. The disclosure, subject to the requirements in Section 180.020.S., is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense. The University may disclose the final results of the disciplinary proceeding, regardless of whether the University concluded a violation was committed.
- n. (1) The disclosure, subject to the requirements in Section 180.020.S., is in connection with a disciplinary proceeding at the University providing that the University determines that:
  - (a) The student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and
  - (b) With respect to the allegation made against him or her, the student has committed the violation of the University's rules or policies.
- (2) The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.
- (3) This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.
- o. The disclosure is to a parent of a student under the age of twenty-one at the time of disclosure, and is limited to a determination that the student violated University regulations pertaining to the use or possession of alcohol or a

controlled substance, as provided by and under the restrictions contained in Section 180.025.

**N. Record Keeping**

1. The University shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, for as long as the records are maintained.
2. For each request or disclosure the record must include:
  - a. The parties who have requested or received personally identifiable information from the education records; and
  - b. The legitimate interests the parties had in requesting or obtaining the information.
3. If the University discloses personally identifiable information from an education record with the understanding authorized under Section 180.020.O.2., the record of the disclosure required under this section must include:
  - a. The names of the additional parties to which the receiving party may disclose the information on behalf of the University; and
  - b. The legitimate interests under Section 180.020.M. which each of the additional parties has in requesting or obtaining the information.
4. The following parties may inspect the record relating to each student:
  - a. The student;
  - b. The school official or the school official's assistants who are responsible for the custody of the records; and
  - c. Those parties authorized in Section 180.020.M.1.a. and M.1.c. for the purposes of auditing the recordkeeping procedures of the University.
5. Paragraph 1 of this section does not apply if the request was from, or the disclosure was to:
  - a. The student;
  - b. A University official under Section 180.020.M.1.a.;
  - c. A party with written consent from the student;
  - d. A party seeking directory information; or
  - e. A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

**O. Limitations to the Redislosure of Information**

1. The University may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the student. The officers, employees, and agents of a party that receives information may use the information, but only for the purposes for which the disclosure was made.

2. This does not prevent the University from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the University if:
    - a. The disclosures meet the requirements of Section 180.020.M.; and
    - b. The University has complied with the requirements of Section 180.020.N.3.
  3. Section 180.020.O.1. does not apply to disclosures made pursuant to court orders, lawfully issued subpoenas, litigation under Section 180.020.M.1.i., to disclosures of directory information under Section 180.020.M.1.k., to disclosures made to a parent or student under Section 180.020.M.1.j., to disclosures made in connection with a disciplinary proceeding under Section 180.020.M.1.n., or to disclosures made to parents under Section 180.025.
  4. Except for disclosures under Section 180.020.M.1.k., l., m., and n., the University shall inform a party to whom disclosure is made of the requirements of this section.
  5. If the University determines that a third party improperly rediscloses personally identifiable information from education records in violation of Section 180.020.O.1., the University may not allow that third party access to personally identifiable information from education records for at least five years.
- P. Disclosure of Information for Federal or State Program Purposes**
1. The officials listed in Section 180.020.M.1.c. may have access to education records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements which relate to those programs.
  2. This information must:
    - a. Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in Section 180.020.M.1.c.; and
    - b. Be destroyed when no longer needed for the purposes listed in Section 180.020.M.1.c.
  3. Section 180.020.P.2. does not apply if:
    - a. The student has given written consent for the disclosure under Section 180.020.L.; or
    - b. The collection of personally identifiable information is specifically authorized by federal law.
- Q. Release of information for Health or Safety Emergencies**—The University may release information from an education record to appropriate persons in connection with an emergency, during that emergency, if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The factors which will be taken into account in determining whether the records may be released under this section include the following:

1. The seriousness of the threat to the health or safety of the student or other persons;
2. The need for such records to meet the emergency;
3. Whether the persons to whom such records are released are in a position to deal with the emergency; and
4. The extent to which time is of the essence in dealing with the emergency.

**R. Conditions for Disclosure of Directory Information**

1. The University may disclose directly information if it has given public notice to students in attendance at the University of:
  - a. The types of personally identifiable information that the University has designated as directory information;
  - b. A student's right to refuse to let the University designate any or all of those types of information about the student as directory information; and
  - c. The period of time within which a student has to notify the University in writing that he or she does not want any or all of those types of information about the student designated as directory information.
2. The University may disclose directory information about former students without meeting the conditions of this section. However, if a parent or eligible student, within the specified time period during the student's last opportunity as a student in attendance, requested that directory information not be disclosed, the University must honor that request until otherwise notified or unless such disclosure is required by law.

**S. Definitions Applying to the Nonconsensual Disclosure of Records in Connection with Disciplinary Proceedings Concerning Crimes of Violence or Non-Forcible Sex Offenses**—as used in this part:

1. "Alleged perpetrator of a crime of violence" is a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses that are defined in Title 18, "Crimes and Criminal Procedure," of the United States Code:
  - a. Arson;
  - b. Assault offenses;
  - c. Burglary;
  - d. Criminal homicide—manslaughter by negligence;
  - e. Criminal homicide—murder and non-negligent manslaughter;
  - f. Destruction/damage/vandalism of property;
  - g. Kidnapping/abduction;
  - h. Robbery; or
  - i. Forcible sex offenses.
2. "Alleged perpetrator of non-forcible sex offense" means a student who is alleged to have committed acts that, if proven, would constitute statutory rape or incest.

These offenses are defined in Title 18, “Crimes and Criminal Procedure,” of the United States Code.

3. “Final results” means a decision or determination, made by an honor court or council, committee, commission, or other entity authorized to resolve disciplinary matters within the University. The disclosure of final results must include only the name of the student, the violation committed, and any sanction imposed by the University against the student.
4. “Sanction imposed” means a description of the disciplinary action taken by the University, the date of its imposition, and its duration.
5. “Violation committed” means the University rules or code sections that were violated and any essential finding supporting the University’s conclusion that the violation was committed.

#### **Collected Rules and Regulations 180.040 Student Preferred Name Policy (New Rule)**

Bd. Min. 2-9-17, effective 3-1-17.

It is the policy of the University of Missouri that a student may choose to identify themselves within the university community with a preferred first and/or middle name that differs from their legal name.

As long as the use of the preferred first and/or middle name is not for an inappropriate purpose (explained in greater detail below), it will appear instead of the person’s legal name in university-related systems and documents where it is technically feasible, except where the use of the legal name is required by university business or legal need.

A. **Preferred Name.** A student’s preferred first and/or middle name will be used in lieu of a student’s legal name when it is unnecessary for the legal name to be used and it is technically feasible. Students are expected to facilitate the use of preferred name by updating the Campus student information system.

The University of Missouri reserves the right to deny or remove any preferred name for misuse, including but not limited to misrepresentation, attempting to avoid legal obligation, or the use of derogatory names, with or without notice.

Instances in which preferred name will be used include, but are not limited to:

1. Class rosters;
2. Residence hall rosters
3. University identification cards;
4. Transcripts (there is an option to select either preferred or legal name at the time of ordering);
5. Diplomas (if requested in the Campus Student Information System); and
6. Wherever it is not necessary for the legal name to be used.

- B. **Legal Name.** Students are asked to provide their legal names prior to enrollment. After enrollment, students may process official legal name changes or corrections. A change of legal name requires an official document or court order verifying the correct information at the time the request is made. Instances in which legal name will be used include, but are not limited to:
1. Reporting to state or federal agencies;
  2. Transcripts (there is an option to select either preferred or legal name at the time of ordering);
  3. Diplomas (unless the student has requested a preferred name in the Campus Student Information System)'
  4. Payroll documents;
  5. Financial aid documents and processes;
  6. Enrollment and degree verification processes;
  7. Other records where the student's legal name is required by law or University policy;
  8. Official lists of students made available to the public; and
  9. Communications with the "Family of \_\_\_\_\_".
- C. **FERPA.** Under the Family Rights and Privacy Act, a student's name, including preferred name, may be disclosed to the public as "directory information" unless the student opts not to permit such disclosure. To revoke the disclosure of directory information, a student has the option of requesting privacy through the Campus Student Information System.

**Collected Rules and Regulations 180.060  
Personnel Files**

Bd. Min. 9-7-79, 11-13-81; Bd. Min. 7-13-00; Amended 2-9-17.

- A. **Inspection** -- Any employee may inspect his/her personnel records and can request that these records be made available to his/her union representative.
- B. **Advance Notice** -- Such request to inspect records or make them available shall be made in writing at least one day in advance.
- C. **Official File** -- The official personnel file is the file maintained by the Human Resource Office and may include items not available to employees such as letters of recommendations and legal documents which must be considered confidential and available only to supervisory personnel who must necessarily have access in order to make appropriate decisions.
- D. **Warnings, Reprimands or Actions** -- If an employee's record has been free of written warnings, reprimands or disciplinary actions related to attendance or



tardiness for a period of two (2) years of continuous employment the University will not base any current disciplinary actions related to attendance or tardiness on the earlier warnings, reprimands or disciplinary actions. If, however, additional warnings, reprimands or suspensions related to attendance or tardiness have been given during the past two (2) years, then the employee's entire record will be considered in determining appropriate disciplinary action. For all other warnings, reprimands or disciplinary actions, such as warnings, reprimands or disciplinary actions related to discrimination, harassment and sexual misconduct, no such time limitations applies.

### **Collected Rules and Regulations 200.010 Standard of Conduct**

Amended Bd. Min. 3-20-81; Bd. Min. 8-3-90, Bd. Min 5-19-94; Bd. Min. 5-24-01, Bd. Min. 7-27-12; Bd. Min. 12-7-12; Bd. Min. 6-19-14; Revised 9-22-14 by Executive Order 41; Revised 11-3-15 by Executive Order 41; Amended 2-9-17.

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

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

- A. **Jurisdiction of the University of Missouri** generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to the imposition of sanctions under Sections 200.020 and 600.030 of the Collected Rules and Regulations against students and student organizations for conduct occurring in other settings, including off campus, in order to protect the physical safety of students, faculty, staff, and visitors or if there are effects of the conduct that interfere with or limit students ability to participate in or benefit from the University's educational programs and activities.
- B. **A student organization** is a recognized student organization which has received official approval in accordance with Section 250.010 of the Collected Rules and Regulations. To determine whether a student

organization is responsible for conduct outlined in Section 200.010C, all circumstances will be considered, including but not limited to whether:

1. The student organization approved, condoned, allowed, encouraged, assisted or promoted such conduct;
2. The prohibited behavior in question was committed by one or more student organization officers or a significant number of student organization members;
3. Student organization resources, such as funds, listservs, message boards or organization locations, are used for the prohibited conduct; and/or
4. A policy or official practice of the student organization resulted in the prohibited conduct.

C. **Conduct** for which students and student organizations, when applicable, are subject to sanctions falls into the following categories:

1. **Academic dishonesty**, including but not limited to cheating, plagiarism, or sabotage. The Board of Curators recognizes that academic honesty is essential for the intellectual life of the University. Faculty members have a special obligation to expect high standards of academic honesty in all student work. Students have a special obligation to adhere to such standards. In all cases of academic dishonesty the instructor shall make an academic judgment about the student's grade on that work and in that course. The instructor shall report the alleged academic dishonesty to the Primary Administrative Officer.
  - a. The term **cheating** includes but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests, or examinations; (ii) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) acquisition or possession without permission of tests or other academic material belonging to a member of the University faculty or staff; or (iv) knowingly providing any unauthorized assistance to another student on quizzes, tests, or examinations.
  - b. The term **plagiarism** includes, but is not limited to: (i) use by paraphrase or direct quotation of author with footnotes, citations or bibliographical reference; (ii) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; or (iii) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.
  - c. The term **sabotage** includes, but is not limited to, the unauthorized interference with, modification of, or

destruction of the work or intellectual property of another member of the University community.

2. **Forgery, alteration, or misuse of University documents, records or identification, or knowingly furnishing false information to the University.**
3. **Obstruction or disruption of teaching, research, administration, conduct proceedings, or other University activities, including its public service functions on or off campus.**
4. **Physical abuse or other conduct which threatens or endangers the health or safety of any person.**
5. **Stalking** another by following or engaging in a course of conduct with no legitimate purpose that puts another person reasonably in fear for one's safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
6. **Violation of the University's Equal Employment/Education Opportunity and Nondiscrimination Policy** located at Section 600.010 of the Collected Rules and Regulations.
7. **Violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy** located at Section 600.020 of the Collected Rules and Regulations.
8. **Threatening or Intimidating Behaviors**, defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property or implied threats or acts that cause a reasonable fear of harm in another.
9. **Participating in attempted or actual taking of, damage to, or possession without permission of property of the University or of a member of the University community or a campus visitor.**
10. **Unauthorized possession, duplication or use of keys to any University facilities or unauthorized entry to or use of University facilities.**
11. **Violation of University policies, rules or regulations, or of campus regulations** including, but not limited to, those governing residence in the University-provided housing, or the use of University facilities, or student organizations, or the time, place or manner of public expression.
12. **Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license or as expressly permitted by law or University regulations**, including operating a vehicle on University property, or on streets or roadways adjacent to and

- abutting a campus, under the influence of alcohol or a controlled substance as prohibited by law of the state of Missouri.
13. **Disruptive conduct.** Conduct that creates a substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities that occur on campus.
  14. **Failure to comply with directions of University officials acting in the performance of their duties.**
  15. **The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.**
  16. **Hazing**, defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, failing to report those acts may also violate this policy.
  17. **Misuse of computing resources in accordance with University policy**, including but not limited to:
    - a. Actual or attempted theft or other abuse;
    - b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
    - c. Unauthorized transfer of a file;
    - d. Unauthorized use of another individual's identification and password;
    - e. Use of computing facilities to interfere with the work of another student, faculty member, or University official;
    - f. Use of computing facilities to interfere with normal operation of the University computing system; and
    - g. Knowingly causing a computer virus to become installed in a computer system or file.

### **Collected Rules and Regulations 200.020**

#### **Rules of Procedures in Student or Student Organization Conduct Matters**

Bd. Min. 11-8-68, Amended Bd. Min. 3-20-81; Bd. Min. 12-8-89, Amended 5-19-94; Bd. Min. 5-24-01; Bd. Min. 7-27-12, 6-19-14; Revised 9-22-14 by Executive Order 41; Revised 11-3-15 by Executive Order 41; Amended 2-9-17.

- A. **Preamble.** The following rules of procedure in student or student organization conduct matters are hereby adopted in order to ensure insofar as possible and

practicable (a) that the requirements of procedural due process in student conduct proceedings will be fulfilled by the University, (b) that the immediate effectiveness of Section 10.030, which is Article V of the Bylaws of the Board of Curators relating to student conduct and sanctions may be secured for all students in the University of Missouri, and (c) that procedures shall be definite and determinable within the University of Missouri. Student or student organization conduct involving discrimination, harassment, and sexual misconduct is governed by Section 600.030: *Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Student or Student Organization*.

B. **Definitions.** As used in these rules, the following definitions shall apply:

1. **Primary Administrative Officers.** As used in these procedures, the Chief Student Affairs Administrator on each campus is the Primary Administrative Officer except in cases of academic dishonesty, where the Chief Academic Administrator is the Primary Administrative Officer. Each Primary Administrative Officer may appoint designee(s) who are responsible for the administration of these conduct procedures, provided all such appointments are made in writing, and filed with the Chancellor of the campus, and the office of General Counsel. The Primary Administrator's Office will certify in writing that the given designee has been trained in the administration of student conduct matters.
2. **Student Panelist Pool.** The student panelist pool is a panel of students appointed by the Vice Chancellor for Student Affairs who may participate on the Student Conduct Committee. Specifically, if requested by the accused student or student organization, the Chair of the Student Conduct Committee shall select not more than three (3) students from the Student Panelist Pool to serve as members on the Student Conduct Committee, or not more than two (2) students to serve as members on a Hearing Panel.
3. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the campuses of the University. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
4. **Student Organization.** A recognized student organization which has received official approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization in all proceedings, and the registered faculty/staff advisor may be present, though not act on behalf of the student organization. Each student organization shall designate, and such designation shall be on file with the University, the individual who will receive all notices, findings, determinations and decisions on behalf of the student organization. If the student organization fails to have a designation on file with the University, the President of the organization is the default designee. The registered faculty/staff advisor will also be sent a courtesy copy of all notices, findings, determinations and decisions.

5. **Student Conduct Committee.** As used in these procedures, "Student Conduct Committee," hereinafter referred to as the Committee, is that body on each campus which is authorized to conduct hearings and to make dispositions under these procedures or a Hearing Panel of such body as herein defined.
6. **Hearing Panel.** As used in these procedures, the term "hearing panel" refers to the part of the Student Conduct Committee described in Section 200.020.E.3(b) below.

**C. Sanctions.**

1. The following sanctions, when applicable, may be imposed upon any student or student organization found to have violated the Student Conduct Code. More than one of the sanctions may be imposed for any single violation. Sanctions include but are not limited to:
  - a. **Warning.** A notice in writing to the student or student organization that there is or has been a violation of the institutional regulations.
  - b. **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student or student organization is found to be violating any institutional regulation(s) during the probationary period.
  - c. **Loss of Privileges.** Denial of specified privileges of the student or student organization for a designated period of time.
  - d. **Restitution.** Compensation by the student or student organization for loss, damage, or injury to the University or University property. This may take the form of appropriate service and/or monetary or material replacement.
  - e. **Discretionary Sanctions.** Work assignments, service to the University or community, or other related discretionary assignments, or completion of educational programming or counseling.
  - f. **University Housing Suspension.** Separation of the student or student organization from University owned or operated housing for a definite period of time, after which the student or student organization is eligible to return. Conditions for readmission may be specified.
  - g. **University Housing Expulsion.** Permanent separation of the student or student organization from University owned or operated housing.
  - h. **University Dismissal.** An involuntary separation of the student from the institution for misconduct. It is less than permanent in nature and does not imply or state a minimum separation time.
  - i. **University Suspension.** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - j. **University Expulsion.** Permanent separation of the student from the University.
  - k. **Withdrawal of Recognition.** Student organization loses its official approval as a recognized student organization. May be either temporary or permanent. Conditions for future approval may be specified.

2. **Temporary Suspension of a Student.** The Chancellor or Designee may at any time temporarily suspend or deny readmission to a student from the University pending formal procedures when the Chancellor or Designee finds and believes from available information that the presence of a student on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student will be initiated within seven business days.
  3. **Temporary Suspension of a Student Organization.** The Chancellor or Designee may at any time temporarily suspend the student organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the student organization might otherwise be eligible, pending formal procedures when the Chancellor or Designee finds and believes from available information that the presence of the student organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student organization will be initiated within seven business days.
- D. **Records Retention.** Student conduct records shall be maintained for seven (7) years after University action is completed.
- E. **Policy and Procedures.**
1. **Preliminary Procedures.** The Primary Administrative Officer or Designee (hereafter "Primary Administrative Officer") shall investigate any reported student or student organization misconduct before initiating formal conduct procedures and give the student or student organization the opportunity to present a personal or organizational version of the incident or occurrence. The Primary Administrative Officer shall utilize the preponderance of the evidence standard in deciding whether or not to initiate formal conduct procedures and in deciding whether or not to offer an informal disposition in accordance with Section 200.020E.2. below. The Primary Administrative Officer may discuss with any student or student organization such alleged misconduct and the student or student organization shall attend such consultation as requested by the Primary Administrative Officer. The Primary Administrative Officer, in making an investigation and disposition, may utilize student courts and boards and/or divisional deans to make recommendations.
  2. **Informational Dispositions.** The Primary Administrative Officer shall have the authority to make a determination and to impose appropriate sanctions and shall fix a reasonable time within which the student or student organization shall accept or reject a proposed informal disposition. A failure of the student or student organization either to accept or reject within the time fixed may be deemed by the University to be an acceptance of the determination, provided the student or student organization has received written notice of the proposed determination

and the result of the student or student organization's failure to formally reject and, in such event, the proposed disposition shall become final upon expiration of such time. If the student or student organization rejects informal disposition it must be in writing and shall be forwarded to the Committee. The Primary Administrative Officer may refer cases to the Committee without first offering informal disposition.

3. **Formal Procedure and Disposition.**

a. **Student Conduct Committee:**

- (1) The Committee shall be appointed by the Vice Chancellor for Student Affairs and shall have the authority to impose appropriate sanctions upon any accused student or students or student organization appearing before it.
- (2) When deemed appropriate or convenient by the Chair of the Committee, the Chair may divide the Committee into Hearing Panels each consisting of no less than five (5) Committee members of which no more than two (2) shall be students. If the Chair creates such Hearing Panels, the Chair of the Committee shall designate a Hearing Panel Chair. A Hearing Panel has the authority of the whole Committee in those cases assigned to it. The Chair of the Committee or a Hearing Panel Chair shall count as one member of the Committee or Hearing Panel and have the same rights as other members.
- (3) The Vice Chancellor for Student Affairs shall appoint a panel of students, to be known as the Student Panelist Pool. Upon written request of an accused student or the student organization designee before the Committee made at least seventy-two (72) hours prior to the hearing, the Chair of the Committee shall appoint from the Student Panelist Pool not more than three students to sit with the Committee or the Hearing Panel Chair shall appoint two students to sit with the Hearing Panel for that particular case. When students from the Student Panelist Pool serve as members of the Committee or as members of the Hearing Panel, they shall have the same rights as other members of the Committee or Hearing Panel.

b. **General Statement of Procedures.** A student or student organization accused of violating the Student Conduct Code is entitled to a written notice and a formal hearing unless the matter is disposed of under the rules for informal disposition. Student conduct proceedings are not to be construed as judicial trials and need not wait for legal action before proceeding; but care shall be taken to comply as fully as possible with the spirit and intent of the procedural safeguards set forth herein. The Office of the General Counsel shall be legal adviser to the Committee and the Primary Administrative Officer, but the same attorney from the Office of the General Counsel shall not perform both roles with regard to the same case.

c. **Notice of Hearing.** At least fourteen (14) business days prior to the Student Conduct Committee Hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the accused



student or student organization, the Primary Administrative Officer will send a letter to the accused student or student organization with the following information:

- (1) A description of the alleged violation(s) and applicable policies
- (2) A description of the applicable procedures
- (3) A statement of the potential sanctions/remedial actions that could result
- (4) The time, date and location of the hearing. If any party does not appear at the hearing, the hearing will be held in their absence. For compelling reasons, the hearing may be rescheduled.

This Notice of Charges letter will be made in writing and will be delivered either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address.

Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

Any request to reschedule the hearing shall be made in writing to the Chair, who shall have the authority to reschedule the hearing if the request is timely and made for good cause. The Chair shall notify the Primary Administrative Officer and the accused student or student organization of the new date for the hearing. If the accused student or student organization fails to appear at the scheduled time, the Committee may hear and determine the matter.

4. **Right to Petition for Review:** (other than University expulsion, University dismissal, University suspension or Withdrawal of Recognition).
  - a. In all cases where the sanction imposed by the Committee is other than University expulsion, University dismissal, University suspension or Withdrawal of Recognition, the Primary Administrative Officer or the accused student or student organization may petition the Chancellor or Designee in writing for a review of the decision within five (5) business days after written notification. A copy of the Petition for Review must also be served upon the non-appealing party or parties within such time. The Petition for Review must state the grounds or reasons for review in detail, and the non-appealing party or parties may answer the petition within five (5) business days.
  - b. The Chancellor or Designee (hereafter “the Chancellor”) may grant or refuse the right of review. In all cases where the Petition for Review is refused, the action of the Committee shall be final. If the Chancellor reviews the decision,

the action of the Chancellor shall be final unless it is to remand the matter for further proceedings.

5. **Right of Appeal** (University expulsion, University dismissal, University suspension or Withdrawal of Recognition only).
  - a. When an accused student is expelled, dismissed, or suspended from the University or when a student organization has its recognition withdrawn, either temporarily or permanently, by the Committee, the Primary Administrative Officer, the accused student or student organization may appeal such decision to the Chancellor by filing written notice of appeal stating the grounds or reasons for appeal in detail with the Chancellor within ten (10) business days after notification of the decision of the Committee. The appealing party may file a written memorandum for consideration by the Chancellor with the Notice of Appeal, and the Chancellor may request a reply to such memorandum by the appropriate party.
  - b. The Chancellor shall review the record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings. The Chancellor shall notify the accused student or student organization in writing of the decision on the appeal. The action of the Chancellor shall be final unless it is to remand the matter for further proceedings.
6. **Status during Appeal.**
  - a. In cases of suspension, dismissal, or expulsion where a Notice of Appeal is filed within the required time, a student may petition the Chancellor in writing for permission to attend classes pending final determination of appeal. The Chancellor may permit a student to continue in school under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. In such event, however, any final sanctions imposed shall be effective from the date of the action of the Committee.
  - b. In cases of withdrawal of recognition where a Notice of Appeal is filed within a required time, a student organization may petition the Chancellor in writing to stay the withdrawal of recognition while the appeal is pending. The Chancellor may stay the withdrawal of recognition under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community.
7. **Student Honor System.** Forums under the student honor systems established for investigating facts, holding hearings, and recommending and imposing sanctions are authorized when the student honor code or other regulations containing well defined jurisdictional statements and satisfying the requirements of Section 10.030, which is Article V of the Bylaws of the Board of Curators, have been reduced to writing and have been approved by the Chancellor and the Board of Curators and notice thereof in writing has been furnished to students subject thereto. Though the student honor system has jurisdiction, together with

procedures set forth therein, instead of the Primary Administrative Officer, the standard of conduct called for in any such student honor system shall be deemed to contain at a minimum the same standards set forth in Section 200.010, entitled Standards of Conduct. Procedures shall satisfy the requirements of the Board of Curators' Bylaws, Section 10.030, which is Article V, and shall contain procedures herein before stated insofar as appropriate and adaptable to the particular situation and shall be approved by the Chancellor and the General Counsel. Students subject to student honor systems shall have the rights of appeal as set forth in Section 200.020 E.6 and 7.

**F. Hearing Procedures.**

1. **Pre-Hearing Witness List and Documentary Evidence.** At least seven (7) business days prior to the hearing, the student or representatives of the student organization will provide the Primary Administrative Officer a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least five (5) business days prior to the hearing, the Primary Administrative Officer will have the names of proposed witnesses, copies of all pertinent documentary evidence and a copy of any investigative report available for the student or representatives of the student organization, and a copy of the same will be sent to the Hearing Panel Chair.
2. **Conduct of Hearing.** The Chair 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 student or representatives of the student organization accused of misconduct, read the notice of hearing and charges, verify the receipt of notices of charges by the student or student organization, report any continuances requested or granted, establish the presence of any adviser or counselor of the student or student organization and the registered faculty/staff advisor of the student organization, and call to the attention of the accused student or student organization and the adviser any special or extraordinary procedures to be employed during the hearing and permit the student or student organization to make suggestions regarding or objections to any procedures for the Conduct Committee to consider.
  - a. **Opening Statements.**
    - (1) The Primary Administrative Officer shall make opening remarks outlining the general nature of the case and testify to any facts the investigation has revealed.
    - (2) The accused student or student organization may make a statement to the Committee about the charge at this time or at the conclusion of the University's presentation.
  - b. **University Evidence.**
    - (1) University witnesses are to be called and identified or written reports of evidence introduced as appropriate.
    - (2) The Committee may question witnesses at any time.

- (3) The accused student or student organization or, with permission of the Committee, the adviser or counselor may question witnesses or examine evidence at the conclusion of the University's presentation.
- c. **Accused Student or Student Organization Evidence.**
- (1) If the accused student or student organization has not elected to make a statement earlier under a.(2) above, the accused student or student organization shall have the opportunity to make a statement to the Committee about the charge.
  - (2) The accused student or student organization may present evidence through witnesses or in the form of written memoranda.
  - (3) The Committee or Hearing Panel may question the accused student or representatives of the accused student organization or witnesses at any time. The Primary Administrative Officer may question the accused student or witnesses.
- d. **Rebuttal Evidence.** The Committee may permit the University or the accused student or student organization to offer a rebuttal of the others' presentation(s).
- e. **Rights of Student Conduct Committee:** The Committee shall have the right to:
- (1) Hear together cases involving more than one student or more than one student organization which arise out of the same transaction or occurrence, but in that event shall make separate findings and determinations for each student or student organization;
  - (2) Permit a stipulation of facts by the Primary Administrative Officer and the student or student organization involved;
  - (3) Permit the incorporation in the record by reference of any documentation, produced and desired in the record by the University or the accused;
  - (4) Question witnesses or challenge other evidence introduced by either the University or the student or student organization at any time;
  - (5) Hear from the Primary Administrative Officer about dispositions made in similar cases and any dispositions offered to the accused student or student organization appearing before the Committee;
  - (6) Call additional witnesses or require additional investigation;
  - (7) Dismiss any action at any time or permit informal disposition as otherwise provided;
  - (8) Permit or require at any time amendment of the Notice of Hearing to include new or additional 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 student or student organization or Primary Administrative Officer such time as the Committee may determine reasonable under the circumstances to answer or explain such additional matters;
  - (9) 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 Committee;

- (10) Suspend summarily students from the University who, during the hearing, obstruct or interfere with the course of the hearing or fail to abide by the ruling of the Chair of the Committee on any procedural question or request of the Chair for order.
3. **Rights of Accused upon Hearing.** A student or student organization appearing before a Committee shall have the right to:
    - a. Be present at the hearing;
    - b. Have an adviser or counselor and to consult with such adviser or counselor during the hearing;
    - c. Hear or examine evidence presented to the Committee;
    - d. Question witnesses present and testifying;
    - e. Present evidence by witnesses or affidavit;
    - f. Make any statement to the Committee in mitigation or explanation of the conduct in question;
    - g. Be informed in writing of the findings of the Committee and any sanctions it imposes; and
    - h. Request review or appeal to the Chancellor as herein provided.
  4. **Determination by the Student Conduct Committee.** The Committee shall make its findings and determinations based on the preponderance of the evidence in executive session out of the presence of the Primary Administrative Officer and the accused student or student organization. Separate findings are to be made:
    - a. As to the conduct of the accused student or student organization, and
    - b. On the sanctions, if any, to be imposed. No sanctions shall be imposed on the accused student or student organization unless a majority of the Committee present is convinced by the preponderance of the evidence that the student or student organization has committed the violation charged. In determining what sanction, if any, is appropriate, the Committee may take into consideration the previous disciplinary history of the accused student or student organization.
  5. **Official Report of Findings and Determinations.** The Committee shall promptly consider the case on the merits and make its findings and determination and transmit them to the Primary Administrative Officer/Designee(s) and the accused student or student organization designee.
  6. **Other Procedural Questions.** Procedural questions which arise during the hearing 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 Committee at the request of a member of the Committee, in which event the ruling of the Committee by majority vote shall be final.
  7. **General Rules of Decorum.** The following general rules of decorum shall be adhered to:
    - a. All requests to address the Committee shall be addressed to the Chair.
    - b. The Chair will rule on all requests and points of order and may consult with Committee's legal adviser prior to any ruling. The Chair's ruling shall be final and all participants shall abide thereby, unless the Chair 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.
- c. Rules of common courtesy and decency shall be observed at all times.
  - d. An adviser or counselor may be permitted to address the Committee at the discretion of the Committee. An adviser or counselor may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Chair after recognition.
8. **Record of Hearing.** An audio, video, digital or stenographic record of the hearing shall be maintained. The notice, exhibits, hearing record and the findings and determination of the Committee shall become the "Record of the Case" and shall be filed in the Office of the Primary Administrative Officer and for the purpose of review or appeal be accessible at reasonable times and places to the University, the accused student(s) or student organization designee.

**Collected Rules and Regulations 250.010**  
**Approval of Student Organizations**

Bd. Min. 5-14-48, p. 4196; Bd. Regs. Book dated 12-10-49, p. 82, as amended; Bd. Min. 9-8-50, p. 5375; Bd. Min. 5-24-01; Amended 2-9-17.

- A. **Official Approval** – Recognition – Campus student organizations must receive official approval through a campus recognition process that is approved by the Chancellor, reviewed by the General Counsel and approved by the President. This process shall also include guidelines for continued recognition of student organizations.
- B. **Membership** – Members must be currently enrolled students of the University or current University employees.

**Collected Rules and Regulations 390.010**  
**Student Grievance Procedure**

[In light of our recommendation to adopt Section 600.060, which governs allegations of discrimination and harassment against University institutions, we removed Section 390.010. All claims of discrimination may now be processed via the applicable Equity Resolution Process.]

**Collected Rules and Regulations 310.025**  
**Extension of Probationary Period for Faculty on Regular Term Appointment**

Executive Order No. 26, 3-18-94; Amended 2-9-17.

- A. Chancellors shall have the discretion to grant extensions of the probationary period for tenure to faculty members who encounter circumstances which may substantially interrupt their ability to make progress toward tenure. Possible reasons for granting an extension of the probationary period include, but are not limited to, pregnancy, serious illness, or care of an invalid or seriously ill spouse, partner, parent, child, or other close dependent. Other reasons may be considered.
- B. A faculty member who receives an extension but is not on leave of absence will continue to perform regular duties. A maximum of two one-year extensions may be granted during the probationary period, except further extensions may be granted as required by law.
- C. The authority to grant extensions of the probationary period shall rest solely with the Chancellor. Chancellors are encouraged to appoint a faculty committee to review and offer advice on requests for extensions of the probationary period. Extensions shall be requested by formal written request to the Chancellor. The Chancellor will submit a report to the President in June of each year which will include a listing of all requests submitted and requests granted during the prior academic year.
- D. Extension of a faculty member's probationary period shall have no adverse effect on the tenure decision. A faculty member who has received an extension shall not be prevented from being considered for tenure at an earlier time during the probationary period.
- E. This guideline does not address faculty leave, nor does it affect any existing policy or policies relating to faculty leave.

**Collected Rules and Regulations 320.035**  
**Policy and Procedures for Promotion and Tenure**

Executive Order No. 6A, 6-9-92, Amended 9-2-92. Revised 7-31-97; 08-10-05; 09-27-05; 07-14-08; 4-21-11; 4-12-13; Amended 2-9-17.

**A. Procedures**

1. Initiation of Recommendations

- a. A recommendation to consider a faculty member for promotion in academic rank or award of continuous appointment shall be initiated by the department chairperson or the appropriate departmental or school promotion and tenure committee. In units having departments, the first review of recommendation shall be by the departmental promotion and tenure committee. In divisions

- without departments, first review is by the divisional promotion and tenure committee, which shall transmit its recommendations to the dean of the school or college, or on campuses with no schools or colleges the provost/vice chancellor for academic affairs. If the candidate holds a joint appointment between two departments or schools or colleges, the primary department, school or college (University of Missouri, Collected Rules and Regulations 320.080) bears the responsibility for recommendation for promotion in academic rank or award of continuous appointment. However, the non-primary department, school or college may prepare a recommendation which shall be included as part of one file pertaining to promotion or continuous appointment under the direction of the primary department. All recommendations shall be forwarded with supportive documentation including teaching evaluations, evidence of research, scholarly activity, and service.
- b. Consideration for award of continuous appointment and promotion to the rank of associate professor normally occurs after a probationary period not to exceed six years, as described in the Academic Tenure Regulations (University of Missouri Collected Rules and Regulations, 310.020). Candidates who are not recommended for promotion to associate professor should not be recommended for continuous appointment. Conversely, while there may be some cases in which an exceptional record warrants promotion to associate professor prior to the awarding of tenure, it should be kept in mind that to make such a promotion seems almost certainly to hold out the promise of tenure. Normally, recommendations for promotion to associate professor and for tenure are made simultaneously.
  - c. The promotion and tenure committees may be appointed, elected, or otherwise designated in accordance with the established department, school, or college procedures as long as the procedures are in compliance with the Curators' rules and regulations. If other than tenured faculty members are included on the committee, only those who are tenured may participate in making a recommendation for a candidate seeking tenure, except in the case of faculty members emeriti serving on the committee as allowed in Section 320.035.A.1.d.
  - d. If other than tenured professors are on the committee to consider a candidate for promotion to professor, only the tenured professors and professors emeriti, as allowed below, may participate in making a recommendation for a candidate seeking promotion to professor. If, in the discretion of the dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, there is not an adequate number of tenured professors



within the primary department, a special promotion and tenure committee shall be formed by the addition of tenured professor(s) from a closely related department, and/or tenured professor(s) from a closely related department on the other UM campuses, and/or professor(s) emeriti from the primary department in accordance with established procedures. The emeriti faculty serving on the committee shall have attained the rank of professor with tenure, and the number shall not be greater than 50% of the committee membership. This committee shall serve as the department-level committee and shall then make a recommendation for candidate(s) seeking promotion to professor.

- e. Prior to the deliberations of the promotion and tenure committee, all tenured members of that department or school holding the same rank as or higher rank than that of the candidate (or, in larger departments or schools, all tenured members of the particular academic field holding the same rank as or higher rank than that of the candidate) shall be given the opportunity to provide written and signed comments to the promotion and tenure committee regarding the candidate being considered.
  - f. The promotion and tenure committee may solicit whatever additional information its members deem appropriate, from within and outside the University, to evaluate the candidate under consideration in the areas of teaching, research, and service.
  - g. An annual report of promotion and tenure actions approved by the chancellor shall be submitted by the chancellor to the president.
2. Review by the School or College Dean or on campuses with no schools or colleges, the Provost/Vice Chancellor for Academic Affairs
    - a. Upon receipt of the recommendations from the promotion and tenure committee or the department chairpersons, the dean, or director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, here and after when appropriate, shall review all such recommendations. The dean may consult with members of the faculty individually or in a group and may confer with others.
    - b. The critical questions that should be addressed during review by the dean or director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, are as follows:
      - (1) Is the candidate qualified to be promoted or to be placed on continuous appointment?
      - (2) If more than one person is being considered for a single position, is the candidate the best qualified among those being considered to fill this tenured position?
    - c. The dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, should solicit

whatever additional information is deemed appropriate for making an independent evaluation and recommendation.

- d. In making recommendations at the department and the school or college or campus levels, each committee, chairperson and dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, should keep the above two questions clearly in mind.
  - e. The dean/director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, shall then forward all recommendations to the chancellor, including a written statement of evaluation and recommendation for each candidate.
3. Review by the Chancellor
    - a. The chancellor is assisted in the review of recommendations for promotion and tenure by a campus-wide promotion and tenure advisory committee. The committee may be appointed, elected, or otherwise designated in accordance with the established campus procedures. This committee reviews all recommendations for promotion and continuous appointment and advises the chancellor on the following matters:
      - (1) The adequacy of the criteria used at the department, school, and college level;
      - (2) The qualifications of the individuals recommended; andIn making a final recommendation to the chancellor, the committee will answer the two critical questions in Section 320.035.A.2.b.
  4. Evaluation and Notification Process
    - a. In the promotion and continuous appointment process, the final decisions are made by the chancellor. Recommendations by committees, chairpersons, deans, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, are not binding on the chancellor.
    - b. When a recommendation for continuous appointment cannot be substantially supported, a negative recommendation should be made at the earliest possible time by the first level of review. To insure fair and timely review of all actions, committees, chairpersons, deans, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, shall communicate their recommendations to candidates under consideration and give each candidate a reasonable time to submit written rebuttal to the recommendation so that both recommendation and rebuttal may be forwarded to the next level of review.

## **B. Policies**

1. General Philosophy—As one of the nation's leading teaching and research institutions, the University of Missouri maintains high standards in

recruiting, promoting, and awarding tenure to faculty members. While specific criteria for judging the merits of individual faculty may vary among units, there must be no variation in standards. The University will continue to strengthen its standards in all disciplines. Satisfaction of minimum criteria at the college, school, or department levels is not sufficient to insure promotion or continuous appointment.

The University seeks faculty members who are genuinely creative scholars and inspired teachers and who are dedicated to the pursuit of knowledge and its transmission to others. These high standards are to be observed in the recruitment, promotion, and tenuring of faculty members. All persons and committees making recommendations regarding promotion and tenure will consider the candidate's demonstrated ability to meet these standards. Outstanding intellectual qualities as reflected in teaching and scholarship are the primary criteria for recommendation for promotion and tenure. Additional criteria include professionally-oriented, service contributions and service to a faculty member's department, school, college, and the University. Because the faculty has a special role in the decisions of the University, service to the University and its numerous units is expected of every faculty member; but such service shall not substitute for teaching and scholarship in matters of promotion and tenure.

2. Special Policy Considerations

- a. Sustained Contributions Essential—The essential factors in consideration of candidates for promotion and tenure will be documented merit in the traditional areas of teaching, research, and service and the degree to which contributions are comprehensively substantiated and represent sustained efforts.

Candidates for promotion and tenure should demonstrate sustained merit and contributions over an extended period of time.

Recommendations for promotion and/or tenure before the sixth year should be rare and restricted to truly exceptional cases. Early recommendations for promotion and/or tenure should not be made primarily on the basis of market conditions which make it appear that a faculty member might accept an offer elsewhere.

- b. The Role of Research and Other Scholarly Contributions—Productivity in research and other scholarly activities is the most distinguishing characteristic of the faculty of the University, setting it apart from all other public institutions in the state. Research by University faculty not only generates new knowledge but also results in teaching which is up-to-date and intellectually stimulating. The University expects faculty members to be engaged in scholarly or creative activities appropriate to their disciplines. Recommendations for promotion or tenure involving cases in which such activities are not at the highest level will be approved only in very rare cases where the documented evidence

for teaching (including extension) and/or service contributions is exceptionally compelling.

A recommendation for promotion and/or tenure must include supporting evidence that the individual's contributions have had an impact on the discipline; that is, the research should have made a significant contribution to knowledge that is recognized by professional colleagues. One common method of documenting such impact is through outside evaluations by authorities in the field. The most relevant letters of evaluation usually are written by disinterested experts recognized nationally and internationally for their own achievements. Because they may be biased, letters from former students, departmental colleagues, research collaborators, or former mentors should be used sparingly; when such letters are submitted, an explanation of the personal relationship should be included. Evidence of effective and sustained research and creativity must be presented. Quantity can be a consideration but quality must be the primary one.

Evidence of favorable judgment by colleagues includes publication in journals where expert evaluation is required for acceptance; favorable review of books, appointments or awards that require evaluation of professional competence; election to office in learned societies; and receipt of fellowships. Frequent citation by other scholars also provides evidence of good research. Good researchers often are invited to serve as editors of journals, members of site visit teams or in other evaluative functions of the scholarly work of their peers. Any evidence of such contributions should be emphasized in promotion and tenure recommendations. Research grants awarded, programs initiated, and other research in progress or research findings submitted for publication all represent activities that are expected of faculty members recommended for promotion and/or tenure.

Although faculty committees on promotion and tenure have the first responsibility for evaluating the quality of the work of a candidate for tenure or promotion, it is within the scope of the department chairpersons', deans', vice chancellors'/provost's, and chancellor's responsibilities to gather confirming evidence of scholarly competence by seeking the comments of other scholars within and outside the University.

- c. The Role of Teaching, including Extension—Teaching includes, besides classroom and laboratory instruction, many activities that require professional knowledge and that directly contribute to the academic advancement of students; for example: academic advising, supervision of junior staff, creative redesign of courses, including courses offered through telecommunications and the

Internet; liaison with teachers outside the University, off-campus teaching, and preparation of teaching materials, including textbooks.

Teaching of all faculty members shall be evaluated annually. Among the most useful kinds of evaluative evidence are testimony of chairpersons and deans, especially when based on student interviews covering several semesters, comments of colleagues who are well acquainted with the teaching performance of the candidate, achievement of students, and the quality of teaching materials prepared by the staff member. Evaluations based on classroom visitations by departmental peers can help to document the teacher's efforts to reach or maintain a given level of quality. A significant element in the evaluation of teaching is the overall judgment of students, and each unit, department, school, and college is responsible for obtaining such information on all staff members, particularly those recommended for promotion. Questionnaires developed at the college or school level in cooperation with the faculty committees on promotion and tenure may be used for this purpose, or a similar procedure can be followed which is designed to reflect comprehensive student judgment concerning teaching qualities. Data from questionnaires should be buttressed by interpretation and comparative data. Simple numerical summaries of evaluations are not sufficient to judge teaching ability. Faculty members whose records consistently reflect poor teaching will normally not be recommended for promotion.

Other indicators may be used to point out good teaching. Good teachers receive public recognition in a variety of ways. Students, both individually and through organizations, seek them out more often. Such teachers make more innovative contributions in courses, sometimes whole curricula. Their students demonstrate achievement in learning. They often serve on more student activity committees and carry heavier advising loads. They are known for their enthusiasm and involvement in the education of students. Evidence which documents such contributions is strongly encouraged.

Extension and continuing education activities represent an extension of the teaching and research functions of the institution. Faculty engaged in this mission will be evaluated by the same criteria applied to other faculty. Outstanding performance in extension leads to special recognition of faculty by groups, individuals, and organizations. These faculty members develop innovative curricula, adapt research findings to everyday needs of citizens, serve on committees and boards, and use innovative ways

of enhancing learning by part-time students. They are sought out by others for advice and counsel and are known for their enthusiasm, competence and interest in helping individuals solve problems and learn.

In unusual circumstances, tenure may be recommended for demonstrated excellence in teaching, even in the absence of significant published research. Qualifications for teaching and scholarship are, however, very closely related. The faculty member who does not keep current with developing knowledge in the field or who is not constantly searching for new insights cannot be an effective classroom teacher. Graduate as well as undergraduate instruction is a responsibility of the faculty of the University; a continuing interest in, and a capacity for, creative scholarship by a faculty member is essential to effective instruction for undergraduate as well as graduate students. A faculty member who lacks the qualifications to teach advanced students ordinarily will not be recommended for promotion to senior ranks.

- d. **The Role of Service**—Opportunities for service contributions abound and can take many forms. Service may occur within a discipline, through national, regional, and state organizations, or in the community at large; it may also occur in an administrative unit, such as the home department, school, or college, or on the campus. However, an uncritical list of such activities provides little support for the recommendations. A case should be made for the impact and quality of the individual's contributions. There should be evidence that the individual's efforts and judgment are held in high regard. Evidence of unusual service contributions, however, cannot by itself be sufficient grounds for a recommendation for promotion and/or tenure. It must be supported by significant additional evidence of contributions in teaching and research.
- e. **Importance of New Talent**—Recruitment and subsequent development of new faculty members are important ways in which an educational institution renews itself. Fresh ideas and new perspectives provide the stimulation on which a university thrives, and every effort should be made to secure them through the recruitment, development, and evaluation processes. Departments which recruit their own graduates for regular faculty positions risk making a commitment which is inimical to the long-range interests of the department and, hence, the University. Such appointments should be discouraged; and in those cases where such appointments have been made, the tenure and promotion documentation should demonstrate clearly that the individual meets the University's standard criteria.

- f. Promotion to Professor—A person recommended for promotion to the rank of professor should have significant accomplishments, especially in the area of research and scholarly activity, beyond those justifying the rank of associate professor. Years of service alone do not justify advancement. Rather, sustained contributions during a career to research, scholarship, and teaching are necessary. A person to be considered for promotion to professor should be a scholar who has achieved national distinction.
- g. Persons with Special Duties—In some cases, individuals on regular academic appointments have responsibilities substantially different from the usual mix of teaching and research duties (including extension). Campuses should examine such cases and seek where appropriate to change the appointment to nonregular or to administrative, service, and support. Such persons should not normally be considered for continuous academic appointment.

C. **Statement of Nondiscrimination.** The University of Missouri prohibits discrimination on the basis of race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetic information, disability, protected veteran status, and any other status protected by applicable state or federal law. The University's nondiscrimination policy applies to any phase of its employment process, including decisions regarding tenure and promotion.

### **Collected Rules and Regulations 320.070 Academic Appointments**

Bd. Min. 1-9-53, p. 6,185; Bd. Min. 6-7-58, p. 13,059; Bd. Min. 4-10-59, p. 14,760; Bd. Min. 3-29-68, p. 33,724; Amended Bd. Min. 3-26-82; Bd. Min. 1-27-89; Bd. Min. 12-7-90; Amended Bd. Min. 10-20-94; Amended Bd. Min. 2-4-05; Amended Bd. Min. 6-17-16; Amended 2-9-17.

#### **A. General Rules**

1. **Written Acceptance** -- Each appointee shall file his written acceptance of his appointment with the Secretary of the Board not later than thirty (30) days after the date on which his appointment is made by the Board. In the event that the appointee's written acceptance has not been received by the Secretary of the Board within the period just named his appointment shall be void.

- a. The Secretary of the Board shall notify the official making the recommendation for appointment whether or not the appointment has been accepted before the end of the twenty (20) day period.
    - b. No Board appointee shall be placed upon the payroll until he has notified the Secretary of the Board that he will accept the appointment, and the Dean or Department Chairman has notified the Secretary that the appointee has assumed his duties.
  2. **Terms of Service.** In all divisions of the four campuses of the University the term of service of faculty members is that period of time constituting the regular, two-semester academic year, i.e. beginning with pre-registration activities in August and ending with final examinations and commencement exercises in May. However, the term of service of faculty members may be extended with the approval of the Chancellor to 12 months annually with four weeks annual leave to be taken at times mutually agreeable to the faculty members and appropriate administrators, either department chairpersons, directors, or deans.
  3. **Appointment Records.** Appointment records shall indicate whether the appointee is to be a member of the academic, non-academic, or clerical and maintenance staff – in case of academic staff, whether regular or non-regular; in case of non-academic staff, whether administrative, professional, or technical; in case of clerical and maintenance, whether clerical or maintenance.
- B. **Non-Salaried Medical Faculty** -- There is authorized the appointment of non-salaried professional members of the faculty of the School of Medicine with the regular academic titles of "Instructor, Assistant Professor, Associate Professor, and Professor" the title to be preceded by the word "clinical," such appointments to be classified under the Academic Tenure Regulations.
- C. **Curators' Distinguished Professorships** -- That there be a category of academic appointment to be known as the Curators' Distinguished Professorships. Appointment to such positions will be covered by procedures and policies outlined below:



1. **General** -- These are prestigious positions, and only outstanding scholars with established reputations will be considered for appointment. Therefore, it is expected that there will be few such appointments.
2. **Selection** -- Nominations for appointment to the position of Curators' Distinguished Professor will be made by departments or disciplines which will furnish needed information, including opinions of prominent people in the field, to their respective campus administration.
  - a. The campus administration will make such additional investigations as are appropriate. If the nominee is found worthy and the Chancellor approves the nomination, the Chancellor will forward the nomination with the Chancellor's approval to the President.
  - b. The President may make such investigations as deemed necessary. If the President finds the candidate worthy, the President will recommend the appointment to the Board.
3. **Funding** -- Before the appointment is made, the President shall determine with the Chancellor the initial funding of the appointment. This funding is to include a salary supplement and an appropriate amount of research support.
4. **Conditions of Appointment:**
  - a. Curators' Distinguished Professors should be fully integrated in the department, with such departmental responsibilities as may be determined by the chairman and the appointee. However, each Curators' Distinguished Professor is a resource of the entire University and should be expected to contribute to the entire University through such activities as giving lectures on other campuses and engaging in teaching and research across divisional lines.
  - b. All candidates selected for a Curators' Distinguished Professor appointment after January, 2005 will be appointed for a period of five years. Each five-year appointment may be renewed at the

discretion of the Chancellor. There is no limit to the number of extensions a Curators' Distinguished Professor may be granted.

- c. The duration of the appointment for all Curators' Distinguished Professors appointed prior to January, 2005 is not term limited.
- d. No person shall hold the title Curators' Distinguished Professor while serving also in a full-time administrative position. A person on a Curators' Distinguished Professor appointment asked to assume such a position may, with approval of the Board prior to the administrative appointment, reassume the title of Curators' Distinguished Professor upon expiration of that appointment.
- e. A Curators' Distinguished Professor may, upon recommendation of the President and approval of the Board, be designated Curators' Distinguished Professor Emeritus upon retirement from the University.

**D. Curators' Distinguished Teaching Professorships** -- That there be a category of academic appointment to be known as the Curators' Distinguished Teaching Professorship. Appointment to this prestigious position will be covered by procedures and policies outlined below.

- 1. **General** -- These are prestigious positions and only outstanding teachers with established reputations will be considered for appointment. Therefore, it is expected that there will be few such appointments.
- 2. **Selection** -- Nominations for appointment to the position of Curators' Distinguished Teaching Professor will be made by departments or disciplines which will furnish needed information to their respective campus administration, including opinions of prominent people in the discipline.
  - a. The campus administration will make additional investigations as are appropriate. If the nominee is found worthy and the Chancellor approves the nomination, the Chancellor will forward the nomination with the Chancellor's approval to the President.

- b. The President may make such investigations as deemed necessary. If the President finds the candidate worthy, the President will recommend the appointment to the Board.
3. **Funding** -- Before the appointment is made, the President shall determine with the Chancellor the initial funding of the appointment. This funding is to include a salary supplement and an appropriate amount of support.
4. **Conditions of Appointment:**
  - a. A Curators' Distinguished Teaching Professor should be fully integrated in the department, with such departmental responsibilities as may be determined by the chair and the appointee. However, each Curators' Distinguished Teaching Professor is a resource for the entire University through such activities as giving lectures on other campuses, assisting in improving the quality of teaching at the University, and engaging in teaching across divisional lines.
  - b. All candidates selected for a Curators' Distinguished Teaching Professor appointment after January, 2005 will be appointed for a period of five years. Each five-year appointment may be renewed at the discretion of the Chancellor. There is no limit to the number of extensions a Curators' Distinguished Teaching Professor may be granted.
  - c. The duration of the appointment for Curators' Distinguished Teaching Professors appointed prior to January, 2005 is not term limited.
  - d. No person shall hold the title, Curators' Distinguished Teaching Professor, while serving also in a full-time administrative position. A person on a Curators' Distinguished Teaching Professor appointment asked to assume such a position may, with approval of the Board prior to the administrative appointment, reassume the title of Curators' Distinguished Teaching Professor upon expiration of that appointment.

- e. A Curators' Distinguished Teaching Professor may, upon recommendation of the President and approval of the Board, be designated Curators' Distinguished Teaching Professor Emeritus upon retirement from the University.

E. **Statement of Nondiscrimination.** The University of Missouri prohibits discrimination on the basis of race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetic information, disability, protected veteran status, and any other status protected by applicable state or federal law. The University's nondiscrimination policy applies to any phase of its employment process, including decisions related to academic appointments.

**Collected Rules and Regulations 330.065  
Consensual Romantic Relationship Policy**

Bd. Min. 12-15-06; Revised 6-19-14; Amended 2-9-17.

- A. For purposes of this policy, consensual romantic relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature. Direct evaluative or supervisory authority exists when one participant is personally involved in evaluating, assessing, grading, or otherwise determining the other participant's academic or employment performance, progress or potential.
- B. The University of Missouri promotes an atmosphere of professionalism based on mutual trust and respect. The integrity of interaction among faculty, staff and students must not be compromised. When individuals involved in a consensual romantic relationship are in positions of unequal power at the university, there is a potential for a conflict of interest, favoritism, or exploitation. These relationships may be less voluntary than the person with greater power perceives, or circumstances may change and conduct that was once welcome may become unwelcome. The fact that a relationship was initially consensual does not insulate from a later claim of sexual harassment. Moreover, such relationships may lead to restricted opportunities, or the perception thereof, for others in the work or academic environment.

In light of the foregoing, and to protect the integrity of the University academic and work environment, consensual romantic relationships between members of the University community are prohibited when one participant has direct evaluative or supervisory authority over the other because such relationships create an inherent

- conflict of interest, and may result in favoritism or exploitation. Examples of such relationships that are prohibited include, but are not limited to, employee (faculty, staff or student)/student and supervisor (faculty, staff or student)/subordinate, when those relationships involve direct evaluative or supervisory authority. In such cases, the individual in the evaluative or supervisory position has an obligation to immediately disclose the consensual romantic relationship to the individual's administrative superior and to cooperate with the administrative superior in removing himself or herself from any such evaluative or supervisory activity in order to eliminate the existing or potential conflict of interest.
- C. Students or employees who believe in good faith that a violation of the foregoing policy has occurred are encouraged to promptly report the violation to the University. Students or employees who believe that such a violation has occurred may:
1. Report the perceived violation to an appropriate University official;
  2. File a grievance, under the appropriate University grievance procedure; and/or
  3. In the event the reporting party believes one has been discriminated against based upon one's sex, file a complaint with the Title IX Coordinator for the campus.
- The University will promptly investigate and appropriately resolve all such reports.
- D. A violation of this policy, regardless of the manner in which it is brought to the attention of the University, may lead to disciplinary action as appropriate, up to and including termination of employment, following appropriate processes for such discipline.

**Collected Rules and Regulations 340.010**  
**Policy Related to Family and Medical Leave (New)**  
Bd. Min. 2-9-17.

- A. **Purpose.** This policy describes provisions and resources supporting the University's strong commitment to the Family and Medical leave Act (FMLA), which provides eligible employees with job-protected unpaid leave for specified family and medical reasons.
- B. **Scope.** This policy applies to eligible faculty and staff employees of the University. Faculty as well as other members of the University's community should refer to applicable Collected Rules and Regulations or other administrative resources for additional information regarding leaves of absence. This policy will not be construed to diminish or alter any faculty leave authorized by Section 340.070.B.2 of the Collected Rules and Regulations and the provisions of Section 340.070.B.2 shall control in the event of any inconsistency in this policy.
- C. **Definitions:**
1. **Eligible Employee.** An eligible employee is one who has been employed by the university for a total of at least twelve (12) months at the time of the leave of absence, and has actually worked at least 1,250 hours during the 12-month period

immediately preceding the leave. The 12-months of employment do not have to be consecutive. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not Count unless required by law (including but not limited to any requirement of the Uniformed Services Employment and Reemployment Rights Act (USERRA)).

2. **Serious Health Condition.** A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care (i.e., an overnight stay) in a hospital or other medical care facility (including any period of incapacity or any subsequent treatment in connection with such in-patient care);
  - b. Period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
    - (1) Treatment by or under the orders of a health care provider on a least two (2) occasions within the first thirty (30) days of the incapacity; or
    - (2) Treatment by a health care provider on at least one (1) occasion within the first seven (7) days of the incapacity which results in a regimen of continuing treatment under the supervision of a health care provider;
  - c. Any period of incapacity due to pregnancy, or for prenatal care;]
  - d. Chronic serious health condition requiring periodic visits (defined as a least twice per year) for treatment by or under the supervision of a health care provider that continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity;
  - e. Permanent or long-term conditions requiring supervision for which treatment may not be effective; or
  - f. Multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.
3. **Key Employee.** An employee who qualifies as a “key employee” may be denied restoration of employment after a period of FMLS leave if holding the employee’s position would cause substantial and grievous economy injury to the University’s operations, as defined by law. A “key employee” is an employee who is salaried and is among the highest paid ten percent of all employees employed by the University within 75 miles of the place where the employee reports to work. A key employee will be given notice regarding denial of reinstatement and will be afforded other rights as required by the FMLS and its implementing regulations.
4. **Intermittent and Reduced Schedule Leave.** Leaves taken to care for an employee’s covered family member, the employee’s own serious health condition, or to care for a qualified service member may be taken intermittently or

on a reduced leave schedule when medically necessary, provided a health care provider certifies the expected duration and schedule of such leave. Leave for military exigency may also be taken intermittently or on a reduced leave schedule.

Employees who are approved for intermittent FMLA must continue to comply with the normal call-in procedures to the extent possible. Employees taking intermittent or reduced schedule leave that is foreseeable based on planned medical treatment may be required to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

Intermittent leave and/or a reduced schedule leave may be taken for the birth or adoption or a child or placement with the employee of a child for foster care if approved by the employee's direct supervisor and may not extend beyond 12-months after the birth, adoption or placement of a child for foster care. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations.

**D. Policy.**

1. **Leave Entitlement.** Subject to the requirements described in this policy, an eligible employee may take up to twelve (12) workweeks of leave in a 12-month period for one or more of the following reasons:
  - a. The birth of a child or placement of a child with the employee for adoption or foster care; leaves for birth or adoption must be taken with 12-months of the event;
  - b. To care for the employee's spouse, son or daughter, parent, sponsored adult dependent, or the child of a sponsored adult dependent with a serious health condition, as certified by a health care provider;
  - c. For a serious health condition that makes the employee unable to perform the essential functions of the employee's job; or
  - d. For any qualifying exigency arising out of the fact that an employee's spouse, son or daughter, parent, sponsored adult dependent, or a child of a sponsored adult dependent is a military member on covered active duty or call to covered active duty status in the Armed Forces in support of a contingency operation.
2. **Leave Entitlement to Care for a Covered Service Member.** An eligible employee may also take up to 26-weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, son or daughter, parent, sponsored adult dependent, child of a sponsored adult dependent or next of kin of the covered service member. The single 12-month period for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. The single twelve (12) month period

for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12-months later.

Covered service members include:

- a. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness, or
- b. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five (5) year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered service member.

For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Military caregiver leave is available to an eligible employee once per service member, per serious injury or illness.

3. **Use of Paid Time While Away on FMLA Leave.** The employee must use all available paid time as part of the FMLA leave. Once paid leave time is exhausted, FMLA leaves are without pay. For faculty paid family medical leave, see Section 340.070.B.2.
4. **University Notice of the Need for FMLA Leave.** When the leave is foreseeable, the employee must provide 30 days advance notice. Otherwise, the employee must notify the university as soon as practicable upon learning of the need for leave.
5. **Medical Certification.** If the requested leave is for a serious health condition of the employee, the employee will be required to prove a health care provider's certification providing information regarding the condition and inability to perform one or more essential functions of the job within 15 calendar days after the employer's request. If the requested leave is to care for a covered family member, the employee will be required to provide, within fifteen (15) calendar days after the employer's request, a health care provider's certification providing information as to the serious health condition and stating that the employee is



needed to care for the family member. The university may request subsequent re-certifications during the course of the leave in accordance with the limitations set forth in the FMLA regulations. Updated work absence statements from the healthcare provider are required for all leave extensions.

Records and documents relating to medical certifications or re-certifications of employees or employees' family members will be maintained as confidential medical records in Human Resources, subject only to the limited exceptions set forth in the FMLA regulations. FMLA may be denied if requested certifications are not provided within prescribed time limits.

6. **The Genetic Information Nondiscrimination Act of 2008 (GINA).** GINA is a federal law that prohibits employers and other entities covered by GINA from requesting or requiring genetic information of employees or their family members. In order to comply with this law, the University asks that health care providers not provide any genetic information when responding to the request for medical information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.
7. **Certification for Military Exigency Leave.** The first time an employee requests leave because of a qualifying military exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military. The documentation must indicate that the covered military service member is on active duty or called to active duty status in a foreign country and the dates of active duty service. The employee will need to supply such documentation again only if requesting leave for a different covered active duty or call to covered active duty status of the same or a different covered military member.
8. **Benefits.** During the leave period, an employee is eligible to continue participation in the university's employee benefit program (medical, dental, life, vision, accidental death and long-term disability). In order for the coverage to be continued, the employee will be responsible for the employee's portion of the cost.
9. **Return to Work.** A health care provider's statement will be required for return to work from the employee's own serious health condition, including after the birth of a child. The return to work form must be presented before the employee may be returned to the work schedule. The return to work form must document the nature and duration of work restrictions, if any. If the employee is able to return to work earlier than the date indicated, the employee will be required to notify the

supervisor and/or the campus human resources office at least two workdays prior to the date the employee intends to return for work.

The department will return the employee to the same position held before the leave or an equivalent position. The employee will be provided the level of benefits and seniority held before the leave.

10. **Failure to Return to Work.** If the employee fails to return to work following the expiration of the FMLA leave and has not requested an extension of the leave, the employee will be considered to have voluntarily resigned from the university as of the day the leave paperwork expired.

### **Collected Rules and Regulations 340.070 Faculty Leave**

Bd. Min. 1-31-08; Amended 02-06-09, 12-10-10, 07-27-12; Amended 2-9-17.

- A. **Professional Leave** - Within the specifications described below, each campus will develop an application and review process to approve leaves and stipulate the duration (not to exceed one year) and support associated for each leave aligned with institutional priorities and commensurate with available resources. All faculty members who accept a paid leave must state their intention to return to the University for the same amount of time they plan to be gone. Return of the faculty member for such period of time does not guarantee that the period of such leave shall be taken into account as service credit for purposes of the University's Retirement, Disability, and Death Benefit Plan. Exemptions to returning to the University at the conclusion of the leave can only be granted by the president upon recommendation of the chancellor. Additionally, all faculty members must file a report on the accomplishments during the leave period as specified by their chancellor or chancellor's designee.
  1. **Research Leave.** Tenured, tenure-track, and full-time, ranked non-tenure track research faculty members with established scholarly, artistic or research records are eligible to apply for a research leave. A research leave may be taken for a period of time up to a full year. If a faculty member receives an external fellowship or grant support for a research leave, the University may supplement such support to provide full regular salary; if such external support is not received, the University may provide full regular salary. Additional travel funds and leave related expenses may be provided as deemed appropriate.
  2. **Development Leave.** Tenured, tenure-track and full-time, ranked non-tenure track faculty members are eligible to apply for a development leave to pursue personal, professional, instructional, or administrative

development. Development leave may be taken for a period of time up to a full year. If a faculty member receives external fellowship or grant support for a development leave, the University may supplement such support to provide full regular salary; if such external support is not received, the University may provide full regular salary. Additional travel funds and leave related expenses may be provided as deemed appropriate.

3. **Sabbatical Leave.** Tenured faculty members are eligible to apply for a sabbatical leave after six or more years of service, and can reapply for subsequent sabbatical leaves six years after the prior sabbatical leave. Sabbatical leaves may be taken for a period of time up to a full year. A faculty member on a sabbatical leave will receive up to one-half their regular annual salary. Additional travel funds and leave related expenses may be provided as deemed appropriate.
- B. **Personal Leave** - Within the specifications described below, each campus will develop an application and review process to approve personal leaves and stipulate the duration (not to exceed one year) and support associated for each leave. All leaves must be documented in writing, recorded, and approved by signature of the provost or designee.
1. **Leave of Absence.** Faculty members may apply for a personal leave without pay. A leave of absence may be granted in cases of exceptional personal or institutional reasons, such as medical leave beyond the requirements of the Family and Medical Leave Act (FMLA). A leave of absence without pay may be granted for a period not to exceed one year and may not extend past the ending date of the faculty member's appointment. Any extension of the one year limit must be approved by the chancellor.
  2. **Paid Family and Medical Leave:**
    - a. A tenured, or tenure-track, or full-time, ranked non-tenure track faculty member who is eligible for family and medical leave (see Section 340.010) will be paid, up to 12 weeks, during any portion of such leave that occurs during the faculty member's normally scheduled work duties. Paid family and medical leaves cannot exceed more than two 12-week paid leaves within a six-year period. Additional leaves during any six-year period will be unpaid. However, if such faculty member is covered by another approved University vacation/sick leave policy, the provisions of such vacation/sick leave policy shall apply in determining the extent to which the family and medical leave shall be paid.
    - b. Under no circumstance can a faculty member exceed 12 weeks of family and medical leave within any 12-month period unless such leave is for covered service member leave for which the maximum is described in Section 340.010. However, given that the traditional semester is 16 weeks in duration, it is important not to interrupt the teaching and learning environment of students. Therefore, any

faculty member who would normally have teaching responsibilities and is returning from a family and medical leave mid-semester will not be expected to return to the classroom until the start of a new term. In order to receive pay upon the return from a 12-week family and medical leave or a 26-week covered service member leave, a differentiated work load must be negotiated. This differentiated work load must be documented in writing and approved by the department chair, dean<sup>[1]</sup> and the provost or designee. If negotiated, the faculty member may be eligible to receive pay for the remainder of the semester. Faculty members who take family and medical leave, either paid or unpaid, shall not, because of such leave, be assigned heavier work load or be otherwise discriminated against.

- C. **Military Leave.** See Section 340.010 and the HR Policy Manual for further information regarding military leave.
- D. **Extension of Probationary Periods** - For tenure-track faculty members who take a family and medical leave in excess of six weeks, the probationary period will be extended for a period of one year with a maximum of two one-year extensions during the probationary period. The extension of the probationary period does not preclude a tenure-track faculty member from making a request for a promotion and tenure decision at an earlier date. Tenure-track faculty members who take a family and medical leave may choose to decline the extension and retain their original probationary time period. Any other extension of the probationary period is left to the discretion of the chancellor.
- E. **Definition of Full-time, Ranked, Non-Tenure (NTT) Faculty.** For purposes of this policy, there shall be four main types of full-time, ranked NTT faculty. Each should have primary responsibility in a single area: teaching, or research, or clinical practice, or extension activities. The titles should identify the area. Within each area, there shall be three ranks:
  - 1. Research faculty (Research Professor, Associate Research Professor, Assistant Research Professor)
  - 2. Teaching faculty (Teaching Professor, Associate Teaching Professor, Assistant Teaching Professor)
  - 3. Clinical/Professional Practice faculty (Clinical Professor, Associate Clinical Professor, Assistant Clinical Professor or Professional Practice Professor, Associate Professional Practice Professor, Assistant Professional Practice Professor)
  - 4. Extension faculty (Extension Professor, Associate Extension Professor, Assistant Extension Professor, Extension Professional, Associate Extension Professional, Assistant Extension Professional)
  - 5. Librarian faculty (Librarian I/II, Librarian III, Librarian IV) on campuses whose librarian faculty have opted for NTT status as a body, whose faculty council or faculty senate, as appropriate to the individual campus,

has formally recognized librarian faculty as having NTT status as a body and whose Chancellor has approved such recognition.

[1] On campuses with no schools or colleges and, therefore, no deans, there is no requirement for approval by the dean.

### **Collected Rules and 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; Revised 2-15-15; Amended 2-9-17.

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 pre4judice 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. The grievance procedure should not be used in connection with a matter relating to a complaint of discrimination, harassment, or sexual misconduct. Such complaints should be addressed in accordance with the applicable Equity Resolution Process:

Section 600.030 Equity Resolution Process for Resolving Complaints of  
Discrimination, Harassment and Sexual Misconduct against a Student or Student  
Organization

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

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

Section 600.060 Equity Resolution Process for Resolving Complaints of  
Discrimination, Harassment and Sexual Misconduct against the University

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 Section 370.010.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, misinterpretation, or arbitrary 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. 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 member's non-renewal has been unsuccessfully appealed to the Chancellor, the faculty member may use this grievance process only to allege that the decision resulted from inadequate consideration or that the decision was based significantly on consideration violative of academic freedom.

**C. Grievance Process:**

1. Grievance Resolution Panel (GRP):
  - a. Grievances shall be addressed by a standing GRP consisting of a senior administrator and two (2) or four (4) tenured faculty members:
    - (1) Two (2) 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 (4) or four (4) 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 (hereafter "Chancellor"), 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.
    - (2) 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 and the faculty member's dean/department chair.
    - (3) The senior administrator member of the GRP under either Model A or B will be appointed by the chancellor after consultation with the FC or FS.
  - b. GRP members will serve up to three-year renewable terms pending FC or FS and Chancellor 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.
    - (1) In the case of a conflict of interest of the senior administrative member of the GRP, the Chancellor will appoint an alternate senior administrator after consultation with the FC/FS.
    - (2) In case of a conflict of interest of a faculty member of the GRP, the FC/FS will appoint alternate faculty members of the GRP. Release time, if any, for faculty alternates will be negotiated between the Chancellor 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.
    - (1) The grievant may submit any relevant evidence/attachments that the grievant would like to be considered by the GRP as well as a list of additional sources of information, including persons with knowledge, subject to the limitations as to length specified in the GFF.
    - (2) The grievant may also request that the GRP gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and

impact on any party or university unit, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).

- b. There are three requirements the grievant must meet when filing:
    - (1) The grieved act listed on the GFF must meet the definitional criteria in Section 370.010.A.
    - (2) The grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.
    - (3) The grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
      - (a) A faculty member who does not initiate a grievance in accordance with the 180-day calendar limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer.
  - c. If the GRP determines that neither of these requirements (Section 370.010.C.3.) are 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 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.



- (1) The respondent may include any relevant evidence/attachments that the respondent would like to be considered by the GRP, as well as a list of additional sources of information, including persons with knowledge.
  - (2) The respondent may request that the GRP gather any additional relevant evidence that the respondent believes exists and that is not in the respondent's possession or to which the respondent does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
  - (3) The respondent has fifteen (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 the 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 HIPAA-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 disciplinary 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 (3) months from the date of a correctly filed grievance (see Section 370.010.C.e.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 (10) 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:
    - (1) Facilitate a settlement agreement between the grievant and the University of Missouri.
    - (2) Make a determination that the grievance has no merit. This determination is not appealable.
    - (3) Terminate a grievance if a lawsuit related to the substantive content of the grievance, as determined by the GRP, is initiated at any time. The grievant and the respondent are immediately released from requirements imposed by Section 370.010.C.12. This action is not appealable.
  - 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:
    - (1) A finding in favor of the grievant and the recommendation of remedies, if any, to resolve the grievance.
    - (2) A finding that both the grievant and the respondent have legitimate complaints and the recommendation of remedies, if any, to resolve both sets of complaints.
    - (3) A finding against the grievant with no recommendations for remedies to address the grievant's complaint.
    - (4) A finding that the respondent was subject to some adversity in connection with the aggrieved act and the recommendation of remedies, if any, to alleviate this adversity.
  - d. In the interest of solving problems, the GRP, which is in a 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. The findings and recommendations shall 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:
    - (1) The Chancellor may speak to the grievant and the respondent. If the Chancellor meets with one party, however, then the chancellor must also meet with the other party as well, although not necessarily at the same time.
    - (2) The Chancellor will have access to all relevant documents.
    - (3) The Chancellor may seek additional information or input as needed. If the Chancellor 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 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 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 all waivable 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 Seciton370.010.C.12.
  - c. Upon rejection of the final decision, the grievant and the respondent are released from the confidentiality requirements imposed by Section 370.010.C.12.
11. Oversight:
  - 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.
    - (1) The OC will consist of 3-5 tenured faculty appointed by Faculty council or Faculty Senate for up to three (3) year staggered terms.
    - (2) Chair of the OC will be a member of the Faculty Council or Faculty Senate.
  - b. OC monitoring of individual grievances:
    - (1) A member of the OC will be appointed to each grievance case following receipt of the Grievance Filing form by the GRP. OC members will rotate grievance case membership unless a conflict of interest is identified.
    - (2) The OC representative will sit in on all GRP deliberations and will be copied on all correspondence. If during deliberations, the OC member has process or procedural concerns, the member may raise the concerns with the GRP, without the grievant or respondent or any other parties present.
    - (3) The OC representative is an observer: The OC representative may not participate in the deliberations or rendering of findings and recommendations by the GRP.
    - (4) GRP requests for extensions of up to two (2) 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 (5) calendar days from the receipt of the request.
    - (5) The OC representative shall not discuss the ongoing grievance with anyone, including other OC members, except any information necessary to the OC committee decision regarding time extension requests from the GRP.

- (6) At the close of each grievance case, the OC representative shall present to the other OC members, and the GRP, a summative and evaluative report of the process as it relates to that particular case. These reports will not reveal any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant.
  - c. OC monitoring of the grievance process:
    - (1) The OC will continually monitor the overall grievance process.
    - (2) On a yearly basis the OC shall present a summative and evaluative report to the Faculty council or Faculty Senate Executive Committee, the Provost and the Chancellor.
    - (3) The OC will monitor the implementation of remedies resulting from the final grievance decision by communication with relevant parties, and in cases in which remedies are not being implemented the Faculty Council/Faculty Senate will be notified.
12. Confidentiality:
- 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.(3) and 370.010.C.10.c. Additionally, information related to claims of discrimination shall be reported to the Equity Officer or Title IX Coordinator.

**Appendix A**

Case #: \_\_\_\_\_ (To Be Assigned by GRP)

**Grievance Filing Form**

Date of Filing this Form: \_\_\_\_\_

Name: \_\_\_\_\_

Contact Information (address, phone, email):

**Instructions for Questions Associated with Roman Numeral I – II:**

The Collected Rules and Regulations list three (3) categories of grievances and these are listed below in italics (see I, II, and III). Check the box(es) associated with the category or categories of the grievance you are filing. For each relevant category, answer the questions that follow by attaching a separate word document or inserting pages at the end of this document. Please number your responses in accordance with the numbering system employed below (e.g. I-1; III-b, etc.).



***I. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of written University rule, policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.***

1. List the specific written University rule, policy, regulation or procedure that was violated or misinterpreted. Either cite the specific Collected Rules and Regulation number or attach relevant policies (e.g., department bylaws). If there is more than one alleged violation, list each separately.
  - a. For each alleged violation, list the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
  - b. For each alleged violation, describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
  - c. The description of each grieved act is limited to three (3) double-spaced pages (Times New Roman, 12 point).

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

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

- a. List the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
- b. Describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
- c. The description of each grieved act is limited to three (3) double-spaced pages (Times New Roman, 12 point).

**Instructions for Roman Numeral III – VII:**

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

- (iii) **Please specify in detail any attempts made for informal resolution. The description of such attempts is limited to one double-spaced page (Times New Roman, 12 point). Please note**

- the grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.**
- (iv) If you have any relevant evidence/attachments that you would like the Grievance resolution Panel (GRP) to consider, please include them. You must refer to any attachments in your replies to the questions above so that the relevance of each attachment is clear.**
  - (v) If desired, please list any additional sources of information, including persons with knowledge. Please specify the type of information available through these additional sources and the relevance of this information to the alleged violations.**
  - (vi) The grievant may also request that the GRP gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university entity, the GRP will make reasonable attempts to obtain information that is deemed relevant and central to the grieved matter(s). Please list any such information and its relevance to the alleged violations.**
  - (vii) Have you filed a lawsuit related to the substantive content of the grievance?**

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

**Columbia Campus: Send forms and responses to [GRP@missouri.edu](mailto:GRP@missouri.edu)**

**UMKC Campus: Send form and responses to [GRP@umkc.edu](mailto:GRP@umkc.edu)**

**Missouri S&T Campus: Send form and responses to [GRP@mst.edu](mailto:GRP@mst.edu)**

**UMSL Campus: Send form and responses to [grievance@umsl.edu](mailto:grievance@umsl.edu)**

### **Collected Rules and Regulations 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; Revised 2-5-15; Amended 2-9-17.

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. In addition, a probationary or non-regular employee may process a grievance concerning application or interpretation of University policies and procedures. The grievance procedure should not be used in connection with a matter relating to a complaint of discrimination, harassment, or sexual misconduct. Such complaints should be addressed in accordance with the applicable Equity Resolution Process:
1. Section 600.030 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment and Sexual Misconduct against a Student or Student Organization
  2. Section 600.040 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment and Sexual Misconduct against a Faculty Member
  3. Section 600.050 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment and Sexual Misconduct against a Staff Member
  4. Section 600.060 Equity Resolution Process for Resolving complaints of Discrimination, Harassment and Sexual Misconduct against the University
- 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.
  2. Should the employee decide the decision is unsatisfactory, the employee or the employee's representative shall writing five (5) days submit an appeal to the Campus Grievance Representative. The Campus Grievance Representative or designee shall respond in writing to the grievant 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 designee shall be made in



writing to the employee and/or to employee's representative writing five (5) days after the date of the review.

3. Should the employee decide that the reply of the University Grievance Representative or designee 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.

**Collected Rules and Regulations 90.050  
Civil Rights Act of 1964**

Amended 2-9-17

A. The University hereby reaffirms its commitment to complying with the provisions of Title VI of the Civil Rights Act of 1965, as amended 42 U.S.C. § 2000d et seq., prohibiting discrimination in programs and activities receiving federal financial assistance.

B. Those officers and employees of the Curators of the University authorized to execute instruments on its behalf are hereby specifically authorized to execute, in connection with an application for federal financial assistance, such assurance of Title VI compliance as may be required by a federal department or agency as a condition to the application's approval and extension of federal financial assistance, upon approval thereof by the Office of the General Counsel as to form.

**Collected Rules and Regulations 600.010  
Equal Employment/Educational Opportunity and Nondiscrimination Policy  
(previously 320.010)**

Bd. Min. 2-19-71; Reaffirmed Bd. Min. 10-14-77; Amended Bd. Min. 5-23-80; Amended Bd. Min. 10-15-82; Amended Bd. Min. 10-16-03; Amended Bd. Min. 6-19-14; Revised 9-22-14 by Executive Order 41. Revised 2-5-15; Amended 2-9-17 with effective date of 3-1-17.

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

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

identity, gender expression, age, disability, protected veteran status, or any other status protected by applicable state or federal law. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or the recruiting rights of military organizations associated with the Armed Forces of the Department of Homeland Security of the United States of America.

The University of Missouri does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, and any other status protected by applicable state or federal law. The University's Nondiscrimination policies apply to any phase of its employment process, any phase of its admission or financial aid programs, other aspects of its educational programs or activities, and instances occurring in other settings, including off-campus, if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment. Notices of Nondiscrimination are posted online and in physical locations for the UM System and each of the campuses.

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

- B. Definition of Discrimination and Harassment.** For purposes of determining whether a particular course of conduct constitutes prohibited discrimination or harassment under this policy, the following definitions will be used:
1. Conduct that constitutes sex discrimination (including discrimination on the basis of sex, pregnancy, gender identity, and gender expression), sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation is defined in Section 600.020 – Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy.
  2. Conduct that is based upon an individual's race, color, national origin, ancestry, religion, sexual orientation, age, disability, protected veteran status, or any other status protected by applicable state or federal law that:
    - a. Adversely affects a term or condition of employment, education, living environment or participation in a University activity; or
    - b. Creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability to participate in or benefit from the University's educational programs, activities, or employment.
- C. Equity Officers.** Duties and responsibilities of the University's Equity Officers include monitoring and oversight of overall implementation and compliance with the University's Equal Employment/Educational Opportunity and Nondiscrimination Policy, including coordination of training, education, communications and coordination with the equity resolution processes for faculty, staff, students and other

members of the University community and investigation of complaints of discrimination, harassment, and retaliation.

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

**University of Missouri System**

Kevin McDonald, Ph.D./J.D.  
Chief Diversity Officer  
Equity Officer

**Address:**

321 University Hall  
University of Missouri System  
Columbia, MO 65211

**Telephone:** (573) 882-2011

**Email:** [mcdonaldkg@missouri.edu](mailto:mcdonaldkg@missouri.edu)

<http://www.umsystem.edu/president/deioffice>

**University of Missouri-Columbia**

Ellen Eardley, J.D./M.A.  
Assistant Vice Chancellor for Civil Rights & Title IX  
Equity Officer

**Address:**

202 Jesse Hall  
University of Missouri  
Columbia, MO 65211

**Telephone:** (573) 882-2824

**Email:** [eardley@missouri.edu](mailto:eardley@missouri.edu)

<http://civilrights.missouri.edu/>

**University of Missouri-Kansas City**

Mikah K. Thompson, J.D.  
Director of Affirmative Action  
Equity Officer

**Address:**

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

**Telephone:** (816) 235-6910

**Email:** [thompsonmikah@umkc.edu](mailto:thompsonmikah@umkc.edu)

<http://www.umkc.edu/titleix/>

**Missouri University of Science and Technology**

Shenethia Manuel, J.D.

Vice Chancellor for Human Resources, Equity and Inclusion  
Equity Officer

**Address:**

113 Centennial Hall  
300 W. 12<sup>th</sup> Street  
Rolla, MO 65409

**Telephone:** (573) 341-4920

**Email:** [manuel@mst.edu](mailto:manuel@mst.edu)

<http://titleix.mst.edu/>

**University of Missouri-St. Louis**

Justin Lacy, J.D.  
Senior Human Resources Consultant  
Equity Officer

**Address:**

211 Arts Administration Building, Room #2016  
St. Louis, MO 63121

**Telephone:** (314) 516-7219

**Email:** [lacyjk@umsl.edu](mailto:lacyjk@umsl.edu)

<http://www.umsl.edu/title-ix/contactus.html>

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

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

Office of the President

321 University Hall  
Columbia, MO 65211

**Telephone:** (573) 882-2011

**Email:** [umpresident@umsystem.edu](mailto:umpresident@umsystem.edu)

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

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

1. Section 600.030 – Equity Resolution Process for Resolving Complaints of Discrimination, Harassment and Sexual Misconduct Against a Student or Student Organization
  2. Section 600.040 – Equity Resolution Process for Resolving Complaints of Discrimination, Harassment and Sexual Misconduct Against a Faculty Member
  3. Section 600.050 – Equity Resolution Process for Resolving Complaints of Discrimination, Harassment and Sexual Misconduct Against a Staff Member
  4. Section 600.060 - Equity Resolution Process for Resolving Complaints of Discrimination and Harassment Against the University of Missouri
- E. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all claims of retaliation.
- F. **False Reporting.** False reporting is making an intentional false report or accusation in relation to this policy as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense subject to appropriate disciplinary action up to and including expulsion or termination.
- G. **Witness Intimidation or Harassment.** No individual participating in an investigation relating to a report or Complaint that a violation of this policy has occurred should, directly or through others, take any action which may interfere with the investigation. The University prohibits attempts to or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action ranging up to and including expulsion or termination.
- H. **U.S. Department of Education – Office for Civil Rights.** Inquiries concerning discrimination in educational opportunities also may be referred to the United States Department of Education’s Office of Civil Rights. For further information on notice of nondiscrimination and for the address and phone number of the U.S. Department of Education office which serves your area visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> or call 1-800-421-3481.

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

Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut, 3<sup>rd</sup> Floor, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550

FAX: (816) 268-0599  
TDD: (800) 877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

**Collected Rules and Regulations 600.020  
Sex Discrimination, Sexual Harassment and Sexual Misconduct in  
Education/Employment Policy**

Executive Order 40, 4-8-14; Revised 6-19-14; Revised 9-22-14 by Executive Order 41.  
Revised 2-9-17 with effective date of 3-1-17.

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

The University is committed to affording equal employment and education opportunities to its employees and students, and to creating an environment free from discrimination (see Section 600.010 of the Collected Rules and Regulations). In furtherance of these commitments, both University policy and applicable state and federal law, prohibit all students, employees, volunteers and visitors at the University from engaging in discrimination on the basis of any protected characteristic, including sex, pregnancy, gender identity, and gender expression. In addition, University policy and the law prohibit sexual misconduct, sexual harassment, stalking on the basis of sex, dating/intimate partner violence, and sexual exploitation, as defined in Section 600.020.B. As used in this policy, the word “sex” is also inclusive of the term “gender.”

This policy applies to any phase of its employment process, any phase of its admission or financial aid programs, and all other aspects of its educational programs or activities. Additionally, this policy applies to allegations of sexual misconduct or allegations of other forms of sex discrimination, as defined in Section 600.020.B., occurring in other settings, including off-campus, if there are effects of the conduct that interfere with or limit any person’s ability to participate in or benefit from the University’s educational programs, activities or employment. Notices of nondiscrimination are posted online and in physical locations for the UM System and each of the campuses.

**B. Definitions**

1. **Sex Discrimination.** Sex discrimination is conduct that is based upon an individual’s sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a University activity.

In addition, sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence, as further defined below, are forms of sex discrimination which are prohibited under this policy.

2. **Sexual Harassment.** Sexual harassment is defined as:

- a. Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person; or
- b. Other unwelcome verbal or physical conduct of a sexual nature or because of sex, pregnancy, gender identity, or gender expression when:
  - (1) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
  - (2) Such conduct creates a hostile environment by being sufficiently severe or pervasive or objectively offensive that it interferes with, limits or denies the ability to participate in or benefit from the University's educational programs, activities, or employment.
3. **Sexual Misconduct.** Sexual misconduct includes: 1) nonconsensual sexual intercourse; 2) nonconsensual sexual contact involving the sexual touching of a body part (i.e., the lips, genitals, breast, anus, groin, or buttocks of another person) or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing; 3) exposing one's genitals to another under circumstances in which one should reasonably know that the conduct is likely to cause affront or alarm; or 4) sexual exploitation.
4. **Stalking on the Basis of Sex.** Stalking on the basis of sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that makes another person reasonably concerned for their safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
5. **Dating/Intimate Partner Violence.** Violence, threats of violence, intimidation and acts of coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.
6. **Sexual Exploitation.** Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
  - a. Invasion of sexual privacy;
  - b. Prostituting another person;
  - c. Taping or recording of sexual activity;
  - d. Going beyond the boundaries of consent to sexual activity (e.g., letting your friends hide to watch you engaging in sexual activity);
  - e. Engaging in voyeurism;
  - f. Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
  - g. Inducing another to expose their genitals;
  - h. Nonconsensual distribution of intimate images;
  - i. Use or distribution of drugs or alcohol with intent to facilitate sexual contact without consent (i.e., predatory drugs or alcohol).



7. **Consent to Sexual Activity.** Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent or withdrawal of consent may be communicated by words or non-verbal acts.

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

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

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

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

- C. **Title IX Coordinators.** Duties and responsibilities of the University's Title IX Coordinators include monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications and coordination with the Equity Resolution Processes for faculty, staff, students and other members of the University community and investigation of complaints of sex discrimination. The University may designate Deputy Coordinators as needed to assist in fulfillment of the Coordinator's duties and responsibilities.

NOTE: All references to “Title IX Coordinator” throughout this policy refer to the Title IX Coordinator or the Coordinator’s designee.

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

**University of Missouri System and University of Missouri-Columbia**

Ellen Eardley, J.D./M.A.

Assistant Vice Chancellor for Civil Rights & Title IX

Title IX Administrator

**Address:**

202 Jesse Hall

University of Missouri

Columbia, MO 65211

**Telephone:** 573-882-2824

**Email:** [EardleyE@missouri.edu](mailto:EardleyE@missouri.edu)

<http://civilrights.missouri.edu/>

**University of Missouri-Kansas City**

Mikah K. Thompson, J.D.

Director of Affirmative Action

Title IX Coordinator

**Address:**

Administrative Center Room 212

5115 Oak Street, Room 212

Kansas City, MO 64110

**Telephone:** 816-235-6910

**Email:** [thompsonmikah@umkc.edu](mailto:thompsonmikah@umkc.edu)

<http://www.umkc.edu/titleix/>

**Missouri University of Science and Technology**

Shenethia Manuel, J.D.

Vice Chancellor for Human Resources, Equity and Inclusion

Title IX Coordinator

**Address:**

113 Centennial Hall

300 W. 12<sup>th</sup> Street

Rolla, MO 65409

**Telephone:** 573-341-4920

**Email:** [manuel@msu.edu](mailto:manuel@msu.edu)

<http://titleix.mst.edu/>

**University of Missouri-St. Louis**

Justin Lacy, J.D.

Title IX Coordinator

Senior Human Resources Consultant

**Address:**

211 Arts Administration Building, Room #206

St. Louis, MO 63121

**Telephone:** 314-516-7219

**Email:** [lacyjk@umsl.edu](mailto:lacyjk@umsl.edu)

<http://www.umsl.edu/title-ix/contactus.html>

If the Complaint involves the University's Title IX Coordinator, Complaints may be made to the System Title IX Coordinator. If the Complaint involves the System Title IX Coordinator, reports may be made to the System President. The contact information for the System President is:

Office of the President

321 University Hall

Columbia, MO 65211

**Telephone:** 573-882-2011

**Email:** [umpresident@umsystem.edu](mailto:umpresident@umsystem.edu)

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

**D. Reporting Sex Discrimination, Including Sexual Harassment and Sexual Misconduct**

1. **Students, Employees, Volunteers, Visitors, and Patients.** Students, employees, volunteers, visitors, and patients of the University who have experienced any form of sex discrimination, sexual harassment or sexual misconduct, are encouraged to report the incident promptly to the appropriate Title IX Coordinator listed in Section 600.020.C. above. In addition, students, volunteers, visitors, and patients of the University who have witnessed such conduct are encouraged to report the incident promptly to the appropriate Title IX Coordinator. The University will investigate and appropriately resolve all such reports pursuant to one of its Equity Resolution Processes (*see* Sections 600.030, 600.040, 600.050, 600.060). For questions regarding confidentiality or requests that the Complaint not be pursued, see Section 600.020.E. below. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses for minor student conduct violations ancillary to the incident.
2. **Mandated Reporters.** Any employee of the University, except as noted below, who becomes aware of sex discrimination as defined in this policy (including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation) is a Mandated Reporter,

regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University.

3. **Employees with a Legal Obligation or Privilege of Confidentiality.** Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication. This also means that the employee seeking the exemption is employed by the University for that specific purpose and was acting in that capacity when the confidential disclosure was made. If the information is not learned in the course of confidential communication (for example, behavior is observed in class) then the employee has the same obligation as a Mandated Reporter.
  4. **Designated Confidential Employees.** Consistent with the law and upon approval from the Office of the General Counsel, campuses may also designate non-professional counselors or advocates as confidential for purposes of this policy and, therefore, excluded from the definition of Mandated Reporters. However, these individuals are required once per month to report to the Title IX Coordinator aggregate, non-personally identifiable information regarding incidents of sex discrimination reported to them. The aggregate data report should contain general information about individual incidents of sexual violence such as the nature, date, time, and general location of the incident. Confidentiality in this context is not the same as privilege under the law.
  5. **Required Reporting and Disclosure.** A mandated Reporter is required to promptly report the information to the appropriate Title IX Coordinator. The Mandated Report must be made regardless of whether the person reporting the information to the Mandated Reporter requests confidentiality and regardless of how the Mandated Reporter becomes aware of the offensive behavior (personal observation, direct information from the subject of the behavior, indirect information from a third party, etc.). If the Complainant requests confidentiality or that the charges not be pursued, the Mandated Reporter should warn the Complainant that, at this stage in the process, the Mandated Reporter must report all known information to the Title IX Coordinator.
  6. **Content of Mandated Report to Title IX Coordinator.** Mandated Reporters must report all details that they possess. This includes names of the Parties, if known, and all other information in the Mandated Reporter's possession.
- E. Requests for Confidentiality or Not to Pursue an Investigation**
1. The Title IX Coordinator or other appropriate official should inform and obtain the consent from the Complainant before beginning an investigation. If the Complainant requests confidentiality or asks that the Complaint not be pursued, the Title IX Coordinator should take all reasonable steps to investigate and respond to the Complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant requests confidentiality or insist that identifiable information, such as the Complainant's name, not be disclosed to the Respondent, the Title IX Coordinator should inform the Complainant that the

institution's ability to respond may be limited. The Title IX Coordinator should evaluate the Complainant's request in the context of providing a safe and nondiscriminatory environment for the University community.

2. If, after due deliberation and based on the nature and severity of the Complaint, the Title IX Coordinator determines there is a sufficient basis to proceed with the Complaint, the Title IX Coordinator may initiate an investigation notwithstanding a Complainant's request that the Complaint not be pursued. Such a decision should be well-reasoned and documented. Documentation of the decision will be maintained by the Title IX Coordinator. In such cases, the Title IX Coordinator will inform the Complainant of the decision to commence an investigation.

Alternatively, if after due deliberation and based on the nature and severity of the Complaint, the Title IX Coordinator determines there is not a sufficient basis to proceed with the Complaint, the Title IX Coordinator may decide not to initiate an investigation and/or may also refer the Complaint to the appropriate procedural process. Such a decision should be well-reasoned and documented.

Documentation of the decision will be maintained by the Title IX Coordinator. If, after due deliberation, the Title IX Coordinator decides the University cannot or should not take disciplinary action with respect to the Respondent, the Title IX Coordinator should consider other steps to limit the effects of the alleged harassment and prevent its recurrence, and remedy its effects on the victim and the University community.

- F. **Impact of Optional Report to Law Enforcement.** In accordance with federal law, the Title IX Coordinator will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Title IX preliminary investigation. It may be necessary to delay temporarily the fact-finding portion of a Title IX preliminary investigation while the police are gathering evidence. The Title IX Coordinator will promptly resume the preliminary Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Title IX Coordinator will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the Complainant and the campus community and the avoidance of retaliation.
- G. **Non-compliance.** Failure to comply with this policy can result in disciplinary action. Employees also are cautioned that non-compliance with this policy may increase their risk of personal liability. Further, an individual who fails to report as required under this policy may be determined to be ineligible for defense or protection under Section 490.010 for any associated claims, causes of action, liabilities or damages.
- H. **Retaliation.** Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct. Any person who engages in such retaliation shall be subject to

disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all claims of retaliation.

Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student's academic work warrants because the student filed a Complaint of sexual harassment; giving lower than justified performance appraisals because a person was a witness in an investigation of alleged sexual harassment; and threatening to spread false information about a person for filing a Complaint of sexual harassment.

- I. **False Reporting.** False reporting is making an intentional false report or accusation in relation to this policy as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense subject to appropriate disciplinary action ranging up to and including expulsion or termination.
- J. **Witness Intimidation or Harassment.** No individual participating in an investigation relating to a report or Complaint that a violation of this policy has occurred should, directly or through others, take any action which may interfere with the investigation. The University prohibits attempts to or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
- K. **U.S. Department of Education—Office for Civil Rights.** Inquiries concerning the application of Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information on notice of nondiscrimination, visit <http://wdcrobo1p01.ed.gov/CFAPPS/OCR/contactus.cfm> and for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481.

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

Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut, 3<sup>rd</sup> Floor, Suite 320  
Kansas City, MO 64106  
Telephone: 816-268-0550  
**FAX:** 816-268-0599  
**TDD:** 800-877-8339  
**Email:** OCR.KansasCity@ed.gov

**Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Student or Student Organization (previously 200.025)**

Executive Order 41, 9-22-14; Amended 2-09-17 with effective date of 3-1-17.

- A. **General.** The University will promptly and appropriately respond to any Complaint of violation of the University's Anti-Discrimination policies. The procedures described below apply to such Complaints when the Respondent is a student, students or a student organization.
- 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 600.030 of the Collected Rules and Regulations against students 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, or (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.

If a Complainant alleges or the investigation suggests that a student conduct policy violation occurred in concert with the alleged violation of the University's Anti-Discrimination Policies, the University shall have the authority to investigate and take appropriate action regarding each of the alleged violations of the student conduct policy pursuant to this Equity Resolution Process (i.e., the Student Conduct Procedure shall not apply). In conducting such investigations, the Equity Resolution Officer, Title IX Coordinator, and/or their Investigator may consult with and/or seek guidance from the Student Conduct Coordinator or Residential Life Coordinator as appropriate.

**C. Definitions:**

- 1. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations.
- 2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution

process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to Complaints of violation of the University's Anti-Discrimination policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.

3. **Respondent.** The student, students or student organization alleged to have violated the University's Anti-Discrimination Policies.
4. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the campuses of the University. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
5. **Student Organization.** A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization as the Party.
6. **Complaint.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
7. **Advisors.** The individuals selected by the Complainant and the Respondent to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Advisor.
8. **Investigators.** Investigators are trained individuals appointed by the Equity Officer or Title IX Coordinator (or their designee) to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
9. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's designee.
10. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy. All references to "Title IX Coordinator"



throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator's designee.

11. **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 Designee) to serve as hearing panel members in the Hearing Panel Resolution. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than twenty (20) faculty members proposed by the faculty council/senate.
12. **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. Whenever possible, the panel will include at least one faculty member and one administrator or staff member.
13. **Hearing Panelist Pool Chair (“Pool Chair”).** The Hearing Panelist Pool Chair is selected by the Chancellor (or 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.
14. **Chair of the Hearing Panel (“Panel Chair”).** A 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.
15. **Equity Resolution Appellate Officer.** A trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all appeals stemming from the Equity Resolution Process.
16. **Summary Resolution.** Resolution of the Complaint upon a determination by the Equity Officer of Title IX Coordinator that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
17. **Conflict Resolution.** Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
18. **Administrative Resolution.** Resolution of a Complaint by the Equity Officer or Title IX Coordinator making the finding on each of the alleged policy violations and the finding on sanctions.
19. **Hearing Panel Resolution.** Resolution of a Complaint by an Equity Resolution Hearing Panel making the finding on each of the alleged policy violations and the finding on sanctions.
20. **Record of the Case in Section 600.030 Process.** The Record of the Case in the Section 600.030 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 and sanctions by either the

Hearing Panel or the Equity Officer of Title IX Coordinator; and the decision on the appeal, if applicable.

21. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
- D. **Filing a Complaint.** Any student, employee, volunteer, visitor, or patient who believes that a student or student organization has violated the University's Equal Employment/Education Opportunity and Nondiscrimination Policy should report the Complaint to the Equity Officer. Any student, employee, volunteer, visitor, or patient who believes that a student or student organization has violated the Sex Discrimination, Sexual Harassment, and Sexual Misconduct in Employment/Education Policy should report the Complaint to the Title IX Coordinator. Complainants may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.
- E. **Preliminary Investigation.** Upon receiving the Complaint, the Equity Officer or Title IX Coordinator shall conduct a preliminary investigation. The purpose of the preliminary investigation is to gather enough information to make a threshold decision regarding whether the Complaint describes a possible violation of the University's Anti-Discrimination Policies. If the Complaint describes a possible violation, the Equity Officer or Title IX Coordinator will refer the matter to the appropriate procedural process and provide appropriate interim remedies. If the Complaint does not describe a possible violation, the matter will be referred to the appropriate non-equity process. Under those circumstances, the Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.
- The preliminary investigation shall be conducted promptly (typically within 7-10 business days of receiving the Complaint). At the conclusion of the preliminary investigation, the Equity Officer or Title IX Coordinator will provide the Complainant with written information regarding the appropriate procedural process and interim remedies, if any.
- F. **Interim Remedies.** During the Equity Resolution Process and prior to finding whether the alleged violation has occurred, the Equity Officer or Title IX Coordinator 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 Respondent or on all Parties.
  3. Referral of Complainant to victim advocacy and support services either on and/or off-campus.

4. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
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 and/or the Respondent.
  - c. Altering the on-campus housing assignments, dining arrangements, or other campus services for either the Complainant and/or the Respondent.
6. Providing transportation accommodations for the Complainant.
7. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
8. Suspending, on an interim basis, the Respondent from the University housing, classes, the University campus/facilities/events and/or all other University activities or privileges for which the student might otherwise be eligible, when the Equity Officer or Title IX Coordinator finds and believes from the available information that the presence of the Respondent on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student will be initiated within seven (7) business days.
  - a. In all cases in which an interim suspension is imposed, the Respondent will be given the opportunity to meet with the Equity Officer or Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.
  - b. At the discretion of the Equity Officer or Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent.
  - c. The Equity Officer or Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.
  - d. Violation of an interim suspension under this policy will be grounds for expulsion.
9. Suspending, on an interim basis, the Respondent Student Organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the Respondent Student Organization might otherwise be eligible, pending the completion of the Equity Resolution Process when the Equity Officer or Title IX Coordinator finds and believes from available information that the presence of the student organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University

community. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days.

**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, Equity Officer, Title IX Coordinator, the Hearing Panel 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 Equity Officer, Title IX Coordinator, Hearing Panel 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 Collected Rules Regulations 200.010.B.14 or other provisions of Collected Rules Regulations 200.010. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Complainant to participate in the process.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

**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 request reasonable housing, living and other accommodations and remedies consistent with Section 600.030.F.
5. To request a no contact directive between the Parties.
6. To have an Advisor of the Complainant's choice accompany the Complainant to all interviews, meetings and proceedings throughout the Equity Resolution Process.
7. To refuse to have an allegation resolved through Conflict Resolution or Administrative Resolution Processes.
8. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer or Title IX Coordinator.
9. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
10. To have Complaints heard in substantial accordance with these procedures.

11. When the Complainant is not the reporting party, the Complainant has full rights to participate in any Equity Resolution Process.
12. To be informed of the finding, rationale, sanctions and remedial actions.
13. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
14. To have an opportunity to appeal the findings and sanctions.
15. 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 and copies of all pertinent documentary evidence and any investigative report at least five (5) business days prior to the hearing. In the event the Hearing Panel becomes aware of additional witnesses or pertinent documentary evidence less than five (5) business days prior to the scheduled hearing date (or continued hearing date), the Complainant shall be provided reasonable notice of such witnesses and reasonable time to review pertinent documentary evidence prior to their introduction.
  - c. 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.
  - d. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
  - e. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
  - f. To testify at the hearing or refuse to testify at the hearing.
  - g. To present witnesses and documents deemed relevant by the Chair.
  - h. To question witnesses present and testifying at the hearing. See Section 600.030.N. below for limitations on directly questioning the Respondent.

**I. Rights of the Respondent 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 Respondent's choice accompany the Respondent 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 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 and copies of all pertinent documentary evidence and any investigative report at least five (5) business days prior to the hearing. In the event the Hearing Panel becomes aware of additional witnesses or pertinent documentary evidence less than five (5) business days prior to the scheduled hearing date (or continued hearing date), the Complainant shall be provided reasonable notice of such witnesses and reasonable time to review pertinent documentary evidence prior to their introduction.
- c. 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.
- d. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
- e. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
- f. To testify at the hearing or refuse to testify at the hearing.
- g. To present witnesses and documents deemed relevant by the Chair.
- h. To question witnesses present and testifying at the hearing. See Section 600.030.N. below for limitations on directly questioning the Complainant.

- J. **Role of Advisors.** Each Complainant and Respondent 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 whoever they wish to serve as their Advisor, including an attorney or parent. An Advisor is not required and any Party may elect to proceed without an Advisor.

If requested by either the student Complainant or the Respondent, the Equity Officer or Title IX Coordinator will assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Parties may not require that the assigned Advisor have specific qualifications such as being an attorney.

The Advisor may not make a presentation or represent the Complainant or the Respondent during the hearing. At the hearing, 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 hearing during breaks, but may not speak on behalf of the advisee to the hearing panelists. Advisors who do not follow these guidelines will be warned or dismissed from the hearing at the discretion of the Chair.

- K. **Investigation.** If, following the preliminary investigation, a Complainant or the University wants to pursue a formal investigation, then the Equity Officer or Title IX

Coordinator (depending on the nature of the Complaint) will promptly appoint a trained Investigator or a team of trained Investigators to investigate.

Within ten (10) business days after commencement of the formal investigation, the Investigator(s) will provide the Parties with written notice identifying the nature of the allegation(s) against the Respondent and stating that an investigation has commenced, either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

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 investigative report to the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The investigation of reported misconduct should be completed expeditiously, normally within thirty (30) business days of the Equity Officer or Title IX Coordinator's decision to accept the Complaint for formal investigation. Investigation of a Complaint may take longer based on the nature and circumstances of the Complaint. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

- L. **Summary Resolution.** During or upon the completion of investigation, the Equity Officer or Title IX Coordinator will review the investigation, which may include meeting with the Investigator(s). The investigative report is not provided to the Parties during the Summary Resolution, but is provided to the Parties at either the Administrative Resolution or Hearing Panel Resolution. Based on that review, the Equity Officer or Title IX Coordinator will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

If the Equity Officer or Title IX Coordinator determines there is a sufficient basis to proceed with the Complaint, then the Equity Officer or Title IX Coordinator 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 request reconsideration or appeal the summary determination to continue the process.

If the Equity Officer or Title IX Coordinator determines that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and Respondent will be sent written notification of the determination. The Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request reconsideration of the summary determination ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution appellate Officer decides there is a sufficient basis to proceed with the Complaint, 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 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 Equity Resolution Appellate Officer and such determination is final. Further appeal of such determination is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer or Title IX Coordinator and that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent 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 appeal of such determinations is not permitted.

- M. **Conflict Resolution.** Either Party may request Conflict Resolution at any time during the Equity Resolution Process, including during the preliminary investigation. Upon receiving such a request, or of their own accord, the Equity Officer or Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to the Conflict Resolution. Conflict Resolution is often used for less serious, yet inappropriate behaviors and is encouraged as an alternative to the Administrative Resolution or 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 Administrative Resolution or Hearing Panel and either Party can stop the Conflict Resolution process at any time and request either the Administrative Resolution or Hearing Panel 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 Complainant's and the Respondent's Advisor may attend the conflict Resolution meeting. The Equity Officer or Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution may result in sanctions. In the event the Parties are unable to reach a mutually agreeable resolution, the investigation will be referred to the Administrative Resolution or Hearing Panel Resolution process as appropriate. The content of the Parties' discussions during the conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative Resolution or Hearing Panel processes. The Parties' agreement to participate, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

Among those resolutions which may be reached at this stage (or at any point prior to a finding through Administrative or Hearing Panel Resolution), the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the Equity Officer or Title IX Coordinator accepts the Respondent's proposal, the Respondent must sign a Voluntary Permanent Separation and General Release agreement to effectuate their separation and terminate the Equity Resolution Process.

**N. Procedural Details for Administrative Resolution and Hearing Panel Resolution.**

For both the Administrative Resolution and Hearing Panel Resolution, which are described in more detail below, 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. Three members of the organization may represent the Respondent Student Organization as the Party.
3. The decision maker (i.e., the Investigator, Equity Officer, Title IX Coordinator, or Hearing Panel Chair) has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:
  - a. Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the decision maker may grant a limited exception in regards to the sexual history between the Parties, if deemed relevant.
  - b. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an

individual, including honesty. Such evidence regarding either the Complainant or the Respondent's character is of limited utility and shall not be admitted unless deemed relevant by the decision maker.

- c. Incidents or behaviors of the Respondent 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 Respondent that shows a pattern may be considered only if deemed relevant by the decision maker.
  4. The Respondent may not directly question the Complainant and the Complainant may not directly question the Respondent. However, if both Complainant and Respondent 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.
  5. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the Equity Officer or Title IX Coordinator to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party.
  6. The Administrative Resolution Process may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.
  7. At any time prior to the deadline in the Notice of Administrative Resolution, the Complainant and/or the Respondent may request that the Complaint shift from the Administrative Resolution Process to the Hearing Panel Resolution Process. Upon receipt of such timely request from either Party, the Complaint will shift to the Hearing Panel Resolution Process.
  8. The Resolution Processes will proceed regardless of whether the Respondent chooses to participate in the investigation, the finding or the hearing.
  9. The Administrative Resolution or Hearing Panel Resolution will normally be completed within sixty (60) business days of the Equity Officer or Title IX Coordinator's decision to accept the Complaint for formal investigation. Deviations from this timeframe will be promptly communicated to both Parties.
  10. For good cause, the Equity Officer or Title IX Coordinator in the Administrative Resolution Process and the Chair of the Hearing Panel in the Hearing Panel Resolution Process may, in their discretion, grant reasonable extensions to the time frames and limits provided.
- O. Administrative Resolution:**
1. Administrative Resolution by the Equity Officer or Title IX Coordinator 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.
  2. The Administrative Resolution Process consists of:

- a. A prompt, thorough and impartial investigation,
  - b. A finding by the Equity Officer or Title IX Coordinator on each of the alleged policy violations, and
  - c. A finding by the Equity Officer or Title IX Coordinator on sanctions for findings of responsibility.
3. At least fourteen (14) business days prior to meeting with the Equity Officer or Title IX Coordinator or if no meeting is requested, at least fourteen (14) business days prior to the Equity Officer or Title IX Coordinator rendering a finding(s) (or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the Parties), the Equity Officer or Title IX Coordinator will send a letter (Notice of Administrative Resolution) to the Parties with the following information:
- a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
  - b. Reference to or attachment of the applicable procedures.
  - c. A copy of the investigative report.
  - d. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the Equity Officer or Title IX Coordinator.
  - e. An indication that the Parties may have the assistance of an Advisor of their choosing at the meeting, though the Advisor's attendance at the meeting is the responsibility of the respective Parties.
  - f. The option and the deadline of ten (10) business days from the date of the notice to request in writing that the matter be referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
4. Within ten (10) business days from the date of the Notice of Administrative Resolution, the Parties have the right to have the matter referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
5. The Investigator(s) will provide an investigative report to the Equity Officer or Title IX Coordinator and Parties. This report may include the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.
6. The Equity Officer or Title IX Coordinator can, but is not required to, meet with and question the Investigator and any identified witnesses. The Equity Officer or Title IX Coordinator may request that the Investigator conduct additional interviews and/or gather additional information. The Equity Officer or Title IX

Coordinator will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the Equity Officer or Title IX Coordinator will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the Equity Officer or Title IX Coordinator will render a finding utilizing the preponderance of the evidence standard. The Equity Office or Title IX Coordinator will also determine appropriate sanctions or remedial actions. The findings and sanctions are subject to appeal.

7. The Equity Office or Title IX Coordinator will inform the Respondent and the Complainant of the finding on each of the alleged policy violations and the finding of sanctions, if applicable, in writing within five (5) business days of the findings, without significant time delay between notifications. The Notification will be made in writing and will be delivered either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

**P. 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 to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than twenty (20) faculty members proposed by the faculty council/senate. Panelists are selected by the Chancellor (or 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 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.

Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Equity Officer or Title IX Coordinator. Under such circumstances, the Equity Officer or Title IX Coordinator will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.

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 (3) members from the Hearing Panelist Pool to serve on the specific Hearing Panel and will also designate the Chair of the Hearing Panel. Whenever possible, the Hearing Panel shall include at least one faculty member and one administrator or staff member. Up to two (2) 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. The institution reserves the right to have its attorney or attorneys present during the hearing.
3. **Notice of Hearing.**
  - a. At least fourteen (14) 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 Equity Officer or Title IX Coordinator 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, (2) by email only to the Party’s University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective party as indicated in the official University records and emailed to the Party’s University-issued email account. If there is no local address on file, mail will be sent to the Party’s permanent address. Notice is presumptively deemed delivered, when:
    - 1) provided in person
    - 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email)
    - or 3) when mailed and emailed.
4. **Pre-Hearing Witness List and Documentary Evidence.**

- a. At least seven (7) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least five (5) 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 any investigative report available for the Complainant and Respondent, and a copy of the same will be sent to the Hearing Panel Chair.
  - b. No employee or student, directly or through others, should take any action which may interfere with the investigation or hearing procedures. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
5. **Objection to or Recusal of Hearing Panel Member.**
- a. In addition, the Parties will be given a list of the names of each of the Hearing Panel members at least fourteen (14) business days in advance of the hearing. Should any Complainant or Respondent object to any panelist, they must raise all objections, in writing, to the Hearing Panelist Chair at least seven (7) business days prior to the hearing.
  - b. Upon receipt, the Investigator will forward to the Hearing Panelist Pool Chair any written objection by the Complainant or the Respondent to any hearing panel member. Hearing Panel members will only be unseated and replaced if the Hearing Panelist Pool Chair concludes that good cause exists for the removal of a panel member. Good cause may include, but is not limited to, bias that would preclude an impartial hearing or circumstances in which the panel member's involvement could impact the Party's work or learning environment due to current or potential interactions with the panel member (e.g., a panel member being in the same department as either Party). Additionally, any panel member or Chair of the Hearing Panel who feels they cannot make an objective determination must recuse themselves from the proceedings in advance of the hearing.
6. **Request for Alternative Attendance or Questioning Mechanisms.** The Chair of the Hearing Panel, in consultation with the Parties and Investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator(s) in the investigative report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the Parties. If alternative attendance or questioning mechanisms are desired (e.g., screens, Skype, questions directed through the Chair, etc.), the Parties should request them from the Chair at least two (2) business days prior to

the hearing. The University will make reasonable accommodations for both Parties 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 Respondent, 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 Respondent and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent 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 Respondent (through the Chair as discussed above) and the Hearing Panel. The Complainant may also call and question witnesses who may also be questioned by the Respondent, Investigator, and the Hearing Panel. The Complainant may also submit documentary evidence.
  - c. **Respondent’s Evidence.** The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Chair as discussed above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.
  - d. **Record of Hearing.** The Chair of the Hearing Panel shall arrange for recording of the hearing, whether by audio, video, digital or stenographic means. The recording of the hearing will become part of the Record of the Case in the Section 600.030 Process.
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 Respondent 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 Respondent if it is determined their testimony would be redundant or not relevant.
- e. To dismiss any person from the hearing who interfere 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 arrange for alternative attendance or questioning mechanisms for either Party or any witness at the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
- g. To have present a legal advisor to the Hearing Panel, who shall be designated by the Office of the General Counsel.
- h. To have the names of witnesses that may be called by the Investigator, the Complainant and the Respondent, all pertinent documentary evidence that may be introduced by those Parties, and a complete copy of the investigative report at least five (5) business days prior to the hearing.

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.**

- a. The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent 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 Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the panel, the panel will find appropriate sanctions.
- b. The Hearing Panel Chair will prepare a written panel report and deliver it to the Equity Officer or Title IX Coordinator 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 Respondent is found responsible, the report should conclude with sanctions. This report should be submitted to the Equity Officer or Title IX Coordinator within five (5) business days of the end of deliberations. Deviation from the five-day period will be communicated to the Parties, and



the Equity Officer or Title IX Coordinator, along with an expected time for completion.

- c. The Equity Officer or Title IX Coordinator will inform the Respondent and the Complainant of the finding on each of the alleged policy violations and the finding on sanctions for findings of responsibility, 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: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

**Q. Sanctions.**

1. If the Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Hearing Panel, or the Equity Officer or Title IX Coordinator in the Administrative Resolution Process, will determine sanctions and remedial actions. The Equity Officer or Title IX Coordinator will apply and enforce the sanctions and remedial actions and may also add other remedial actions as deemed appropriate.
  - a. Factors Considered When Finding Sanctions/Remedial Actions include but are not limited to:
    - (1) The nature, severity of, and circumstances surrounding the violation;
    - (2) The disciplinary history of the Respondent;
    - (3) The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation;
    - (4) The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation; and
    - (5) The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.
  - b. **Types of Sanctions.** The following sanctions may be imposed upon any Respondent or Respondent Student Organization found to have violated the University's Anti-Discrimination Policies or the Student Conduct Code. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
    - (1) **Warning.** A notice in writing to the Respondent or Respondent Student Organization that there is or has been a violation of institutional regulations.

- (2) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Respondent or Respondent Student Organization is found to be violating any institutional regulation(s) during the probationary period.
  - (3) **Loss of Privileges.** Denial of specified privileges for a designated period of time.
  - (4) **Restitution.** Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.
  - (5) **Discretionary Sanctions.** Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming or counseling.
  - (6) **Residence Hall Suspension.** Separation of the Respondent from the residence halls for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
  - (7) **Residence Hall Expulsion.** Permanent separation of the Respondent from the residence halls.
  - (8) **Campus suspension.** Respondent is suspended from being allowed on campus for a definite period of time. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the Chief Student Affairs Officer (or Designee).
  - (9) **University Dismissal.** An involuntary separation of the Respondent from the institution for misconduct. It is less than permanent in nature and does not imply or state a minimum separation time.
  - (10) **University Suspension.** Separation of the Respondent from the University for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
  - (11) **Withdrawal of Recognition.** Respondent Student Organization loses its Official Approval as a recognized student organization. May be either temporary or permanent.
  - (12) **University Expulsion.** Permanent separation of the Respondent from the University.
- c. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant. Such remedial actions will vary depending on the circumstances of the policy violation(s), but may include:
- (1) Where the Complainant is a student:
    - (a) Permitting the student to retake courses;
    - (b) Providing tuition reimbursement;

- (c) Providing additional academic support;
  - (d) Removal of a disciplinary action; and
  - (e) Providing educational and/or on-campus housing accommodations.
- (2) Where the Complainant is an employee:
- (a) Removal of a disciplinary action;
  - (b) Modification of a performance review;
  - (c) Adjustment in pay;
  - (d) Changes to the employee's reporting relationships; and
  - (e) Workplace accommodations.

In addition, the University may offer or require training and/or monitoring as appropriate to address the effects of the violation(s) of the University's Anti-Discrimination Policies.

- d. **When Implemented.** Sanctions and remedial actions are implemented immediately by the Equity Officer or Title IX Coordinator unless the Chancellor stays their implementation pending the outcome of the appeal.

R. **Withdrawal While Charges Pending.** Should a Respondent decide to withdraw from the University and not participate in the investigation and/or hearing without signing a Voluntary Permanent Separation and General Release Agreement and without the approval of the Equity Officer or Title IX Coordinator, the process will nonetheless proceed in the Respondent's absence to a reasonable resolution and, if the Respondent is found responsible, the Respondent will not be permitted to return to the University unless all sanctions have been satisfied.

S. **Appeal.**

1. **Grounds for Appeal.** Both Complainant and Respondent are allowed to appeal the findings of the Administrative Resolution Process or 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 hearing. Administrative or Hearing Panel 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 conduct record of the Respondent.
2. **Requests for Appeal.** Both the Complainant and the Respondent may submit a request for appeal to the Equity Resolution Appellate Officer. All requests for appeal must be submitted in writing to the Equity Resolution Panel Appellate Officer within three (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 non-appealing 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 then review the request for appeal to determine whether:
  - a. The request is timely, and
  - b. The appeal is on the basis of the any of three articulated 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 any 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 render a written decision whether the request for appeal is accepted or rejected within fourteen (14) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fourteen (14) business days from receipt of the request, the appeal will be deemed accepted.
5. **Review of the Appeal.** If all three (3) 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 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 for reconsideration.
  - b. Sanctions and remedial actions are implemented immediately unless the Equity Resolution Hearing Panel or Appellate Officer (or Designee) 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 ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.

- d. Once an appeal is decided, the outcome is final. Further appeals are not permitted.
- 6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.
- T. **Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions, remedial actions and corrective actions within the timeframe specified. Failure to follow through on these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/remedial/corrective actions and/or suspension, expulsion or withdrawal of recognition from the University. Suspension will only be lifted when compliance is achieved to the satisfaction of the Equity Officer or Title IX Coordinator.
- U. **Records.** In implementing this policy, records of all Complaints, resolutions, and hearings will be kept by the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). An audio, video, digital, or stenographic record of the hearings will be maintained and will be filed in the office of the Equity Officer or Title IX Coordinator and, for the purpose of review or appeal, be accessible at reasonable times and places to the Respondent and the Complainant. The “Record of the Case in the Section 600.030 Process” includes, when applicable: Letter(s) of Notice, exhibits, hearing record (an audio, video, digital or stenographic record of the hearing), and the findings and determination by either the Equity Officer or Title IX Coordinator or the Hearing Panel; the finding of sanctions; and the decision of appeal, if applicable. The Record of the Case in the Section 600.030 Process will be kept for seven (7) years following final resolution.
- V. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all complaints of retaliation.

**Collected Rules and Regulations 600.040**  
**Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Faculty Member**

Bd. Min. 2-5-15; Amended 2-09-17 with effective date 3-1-17.

- A. **General.** The University will promptly and appropriately respond to any complaint of violation of the University's Anti-Discrimination policies. The procedures described below apply to such complaints when the Respondent is a Faculty Member, except as noted herein. Further, when the Complaint involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the System Title IX Administrator, the investigation may be conducted by an outside investigator.
- 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, or (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.

If a Complainant simultaneously alleges or the investigation suggests violations of the University's Anti-Discrimination Policies and (1) violation, misinterpretation, or arbitrary application of another written University rule, policy, regulation, or procedure which applies personally to the faculty member; and/or (2) that there has been an infringement on the academic freedom of the faculty member, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process (i.e., the Academic Grievance Procedure shall not apply). In conducting such investigations, the Provost, Title IX Coordinator, and/or their Investigator may consult with and/or seek guidance from the Human Resources staff or other appropriate administrators as necessary.

**C. Definitions:**

1. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in "Employment/Education Policy located at Section 600.020 of the collected Rules and Regulations.

2. **Complainant.** “Complainant” refers to the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University’s Anti-Discrimination Policies. The University may serve as the complainant when the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University’s Anti-Discrimination Policies chooses not to act as the complainant in the resolution process or requests that the complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to complaints of violation of the University’s Anti-Discrimination policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.
3. **Respondent.** 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 Section 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 Respondent 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 Officer or Title IX Coordinator (or their designee) to conduct investigations of the alleged violations of the University’s Anti-Discrimination Policies.
8. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University’s Anti-Discrimination Policies. All references to “Equity Officer” throughout this policy refer to the Equity Officer or the Equity Officer’s designee.
9. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University’s Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy. All references to “Title IX Coordinator”

throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator's designee.

10. **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 Designee) to serve as hearing panel members in the Hearing Panel Resolution. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than twenty (20) faculty members proposed by the faculty council/senate.
11. **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. Whenever possible, the panel will include at least one faculty member and one administrator or staff member.
12. **Hearing Panelist Pool Chair (“Pool Chair”).** The Hearing Panelist Pool Chair is selected by the Chancellor (or 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.
13. **Chair of the Hearing Panel (“Panel Chair”).** A 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.
14. **Summary Resolution.** Resolution of the complaint upon a determination by the Equity Officer or Title IX Coordinator that there is an insufficient basis to proceed with the complaint that the Respondent violated the University's Anti-Discrimination Policies.
15. **Conflict Resolution.** Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
16. **Administrative Resolution.** Resolution of a Complaint by the Provost making the finding on each of the alleged policy violations and the finding on sanctions.
17. **Hearing Panel Resolution.** Resolution of a 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.
18. **Record of the Case in 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 Designee) or Title IX Coordinator; the recommendation of sanctions by the Hearing Panel, the Provost (or Designee) or Title IX Coordinator; 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.



19. **Parties.** The Complainant and the Respondent 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 Equal Employment/Education Opportunity and Nondiscrimination Policy should report the complaint to the Equity Officer. Any student, employee, volunteer, visitor, or patient who believes that a Faculty Member has violated the Sex Discrimination, Sexual Harassment, and Sexual Misconduct in Employment/Education Policy should report the complaint to the Title IX Coordinator. Complainants may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.
- E. **Preliminary Investigation.** Upon receiving the complaint, the Equity Officer of Title IX Coordinator shall conduct a preliminary investigation. The purpose of the preliminary investigation is to gather enough information to make a threshold decision regarding whether the complaint describes a possible violation of the University's Anti-Discrimination policies. If the complaint describes a possible violation, the Equity Officer of Title IX Coordinator will refer the matter to the appropriate procedural process and provide appropriate interim remedies. If the Complaint does not describe a possible violation, the matter will be referred to the appropriate non-equity process. Under those circumstances, the Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The preliminary investigation shall be conducted promptly (typically within 7-10 business days of receiving the Complaint). At the conclusion of the preliminary investigation, the Equity Officer or Title IX Coordinator will provide the Complainant with written information regarding the appropriate procedural process and interim remedies, if any.

- F. **Interim Remedies.** During the Equity Resolution Process and prior to a finding whether the alleged violation has occurred, the Equity Officer of Title IX Coordinator, in consultation with the Provost (or 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 Respondent or on all Parties.
  3. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.

4. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
  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 and/or the Respondent.
    - c. Altering the on-campus housing assignments, dining arrangements, or other campus services for either the Complainant and/or the Respondent.
  6. Providing transportation accommodations for the Complainant.
  7. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
  8. Implementing leave from work with pay for the Complainant and/or Respondent.
  9. Implementing suspension from campus with pay for the Respondent.
- 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 Provost (or Designee), the Equity Officer, the Title IX Coordinator, the Hearing Panel and/or the Chancellor (or Designee), and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Provost, the Title IX Coordinator, the Hearing Panel and/or the Chancellor (or 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. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Complainant to participate in the process.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

**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 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, sanctions and remedial actions.
  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 and copies of all pertinent documentary evidence and any investigative report at least five (5) business days prior to the hearing. In the event the Hearing Panel becomes aware of additional witnesses or pertinent documentary evidence less than five (5) business days prior to the scheduled hearing date (or continued hearing date), the Complainant shall be provided reasonable notice of such witnesses and reasonable time to review pertinent documentary evidence prior to their introduction.
    - c. 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.
    - d. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
    - e. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
    - f. To testify at the hearing or refuse to testify at the hearing.
    - g. To present witnesses and documents deemed relevant by the Chair.
    - h. To question witnesses present and testifying at the hearing. See Section 600.040.N. below for limitations on directly questioning the Respondent.
- I. Rights of the Respondent 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 Respondent's choice accompany the Respondent 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 and copies of all pertinent documentary evidence and any investigative report at least five (5) business days prior to the hearing. In the event the Hearing Panel becomes aware of additional witnesses or pertinent documentary evidence less than five (5) business days prior to the scheduled hearing date (or continued hearing date), the Complainant shall be provided reasonable notice of such witnesses and reasonable time to review pertinent documentary evidence prior to their introduction.
    - c. 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.
    - d. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
    - e. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
    - f. To testify at the hearing or refuse to testify at the hearing.
    - g. To present witnesses and documents deemed relevant by the chair.
    - h. To question witnesses present and testifying at the hearing. See Section 600.040.N. below for limitations on directly questioning the Complainant.
- J. **Role of Advisors.** Each complainant and Respondent 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 whoever 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 Equity Officer or Title IX Coordinator assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators, faculty, or staff at the University trained on the Equity Resolution

Process. The Complainant may not require that the assigned Advisor have specific qualifications such as being an attorney.

The Advisor may not make a presentation or represent the Complainant or the Respondent during the hearing. At the hearing, 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 hearing during breaks, but may not speak on behalf of the advisee to the hearing panelists. Advisors who do not follow these guidelines will be warned or dismissed from the hearing at the discretion of the Chair.

- K. **Investigation.** If, following the preliminary investigation, a Complainant or the University wants to pursue a formal investigation, then the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint) will promptly appoint a trained Investigator or a team of trained investigators to investigate. Within ten (10) business days after commencement of the formal investigation, the Investigator(s) will provide the Parties with written notice identifying the nature of the allegation(s) against the Respondent and stating that an investigation has commenced, either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

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 the interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). This report may contain the Investigator's observations regarding the credibility of the complainant, the Respondent, and any witnesses interviewed.

The investigation of reported misconduct should be completed expeditiously, normally within thirty (30) business days of the Equity Officer or Title IX Coordinator's decision to accept the complaint for formal investigation. Investigation of a Complaint may take longer based on the nature and circumstances of the complaint. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. University action will not typically be

- altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.
- L. **Summary Resolution.** During or upon the completion of investigation, the Equity Officer or Title IX Coordinator will review the investigation, which may include meeting with the Investigator(s). The investigative report is not provided to the Parties during the Summary Resolution, but is provided to the Parties at either the Administrative Resolution or Hearing Panel Resolution. Based on that review, the Equity Officer or Title IX Coordinator will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

If the Equity Officer or Title IX Coordinator determines there is a sufficient basis to proceed with the Complaint, then the Equity Officer or Title IX Coordinator 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 request reconsideration or appeal the summary determination to continue the process.

If the Equity Officer or Title IX Coordinator determines that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and Respondent will be sent written notification of the determination. The Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request that the Chancellor (or Designee) reconsider the summary determination ending the process by filing a written request with the Chancellor within five (5) business days of notice of the summary determination. If the Chancellor (or Designee) decides there is a sufficient basis to proceed with the Complaint, the Chancellor (or 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 Designee) and such determination is final. Further appeal of such determination is not permitted.

If the Chancellor (or Designee) agrees with the summary determination ending the process by the Equity Officer or Title IX Coordinator and that there is not a sufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will be sent written notification of the determination. This determination to end the process lies in the sole discretion of the Chancellor (or

- Designee) and such determination is final. Further appeal of such determination is not permitted.
- M. **Conflict Resolution.** Either Party may request Conflict Resolution at any time during the Equity Resolution Process, including during the preliminary investigation. Upon receiving such a request, or of their own accord, the Equity Officer or Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to the 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 Resolution or Hearing Panel 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 Complainant's and the Respondent's Advisor may attend the Conflict Resolution meeting. The Equity Officer or Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution may result in sanctions. In the event the Parties are unable to reach a mutually agreeable resolution, the investigation will be referred to the Administrative Resolution or Hearing Panel Process as appropriate. The content of the Parties' discussions during the conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative Resolution or Hearing Panel Processes. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

- N. **Procedural Details for Administrative Resolution and Hearing Panel Resolution.** For both the Administrative Resolution and Hearing Panel Resolution, which are described in more detail below, 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. The decision maker (i.e., the Investigator, Provost or Designee and/or Hearing Panel Chair) has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:

- a. Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the decision maker may grant a limited exception in regards to the sexual history between the Parties, if deemed relevant.
  - b. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either the Complainant or the Respondent's character is of limited utility and shall not be admitted unless deemed relevant by the decision maker.
  - c. Incidents or behaviors of the Respondent 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 Respondent that shows a pattern may be considered only if deemed relevant by the decision maker.
3. The Respondent may not directly question the Complainant and the Complainant may not directly question the Respondent. However, if both Complainant and Respondent 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.
  4. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the Provost to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party.
  5. The Administrative Resolution process may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.
  6. At any time prior to the deadline in the Notice of Administrative Resolution, the Complainant and/or the respondent may request that the Complaint shift from the Administrative Resolution process to the Hearing Panel Resolution process. Upon receipt of such timely request from either Party, the Complaint will shift to the Hearing Panel Resolution Process.
  7. The Resolution Processes will proceed regardless of whether the Respondent chooses to participate in the investigation, the finding or the hearing.
  8. The Administrative Resolution or Hearing Panel Resolution Process will normally be completed within sixty (60) business days of the Equity Officer or Title IX Coordinator's decision to accept the Complaint for formal investigation. Deviations from this timeframe will be promptly communicated to both Parties.
  9. For good cause, the Provost in the Administrative Resolution Process and the Chair of the Hearing Panel Resolution Process may, in their discretion, grant reasonable extensions to the time frames and limits provided.

**O. Administrative Resolution:**



1. Administrative Resolution by the Provost (or 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.
2. The Administrative Resolution process consists of:
  - a. A prompt, thorough and impartial investigation;
  - b. A finding by the Provost (or Designee) on each of the alleged policy violations; and
  - c. A finding by the Provost on sanctions for findings of responsibility.
3. At least fourteen (14) business days prior to meeting with the Provost (or Designee) or if no meeting is requested, at least fourteen (14) business days prior to the Provost (or Designee) rendering a finding(s) (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 Designee) will send a letter (Notice of Administrative Resolution) to the Parties with the following information:
  - a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
  - b. Reference to or attachment of the applicable procedures.
  - c. A copy of the investigative report.
  - d. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the Provost (or Designee).
  - e. An indication that the Parties may have the assistance of an Advisor of their choosing at the meeting, though the Advisor's attendance at the meeting is the responsibility of the respective Parties.
  - f. The option and the deadline of ten (10) business days from the date of the notice to request in writing that the matter be referred to the Hearing Panel Resolution process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
4. Within ten (10) business days from the date of the Notice of Administrative Resolution, the Parties have the right to have the matter referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
5. The Investigator(s) will provide an investigative report to the Provost (or Designee) and Parties. This report may include the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

6. The Provost (or Designee) can, but is not required to, meet with and question the Investigator and any identified witnesses. The Provost (or Designee) may request that the Investigator conduct additional interviews and/or gather additional information. The Provost (or Designee) will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the Provost (or 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 Designee) will render a finding utilizing the preponderance of the evidence standard. The Provost's Designee may recommend appropriate sanctions and remedial actions but only the Provost will find sanctions or remedial actions. The findings and sanctions are subject to appeal.
7. The Provost (or Designee) will inform the Respondent and the Complainant of the finding of 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. The Notification will be made in writing and will be delivered either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person; 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

**P. 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 to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than twenty (20) faculty members proposed by the faculty council/senate. Panelists are selected by the Chancellor (or 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 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.

Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Equity Officer or Title IX Coordinator. Under such circumstances, the Equity Officer or Title IX Coordinator will notify the chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.

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 (3) 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 (2) 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. The institution reserves the right to have its attorney or attorneys present during the hearing.
3. **Notice of Hearing.**
  - a. At least fourteen (14) 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 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, (2) by email only to the Party’s University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective party as indicated in the official University records and emailed to the Party’s University-issued email account. If there is no local address on file, mail will be sent to the Party’s permanent address. Notice is presumptively deemed delivered, when:
    - 1) provided in person
    - 2) emailed to the individual (when prior consent –

whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

4. **Pre-Hearing Witness List and Documentary Evidence.**
  - a. At least seven (7) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least five (5) 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 Respondent, and a copy of the same will be sent to the Hearing Panel Chair.
  - b. No employee or student, directly or through others, should take any action which may interfere with the investigation or hearing procedures. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
5. **Objection to or Recusal of Hearing Panel Member.**
  - a. In addition, the Parties will be given a list of names of each of the Hearing Panel members at least fourteen (14) business days in advance of the hearing. Should any Complainant or Respondent object to any panelist, they must raise all objections, in writing, to the Hearing Panelist Chair at least seven (7) business days prior to the hearing.
  - b. Upon receipt, the investigator will forward to the Hearing Panelist Pool Chair any written objection by the Complainant or the Respondent to any hearing panel member. Hearing Panel members will only be unseated and replaced if the Hearing Panelist Pool Chair concludes that good cause exists for the removal of a panel member. Good cause may include, but is not limited to, bias that would preclude an impartial hearing or circumstances in which the panel member's involvement could impact the Party's work or learning environment due to current or potential interactions with the panel member (e.g., a panel member being in the same department as either Party). Additionally, any panel member or Chair of the Hearing Panel who feels they cannot make an objective determination must recuse themselves from the proceedings in advance of the hearing.
6. **Request for Alternative Attendance or Questioning Mechanisms.** The Chair of the Hearing Panel, in consultation with the Parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator(s) in the investigative report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the Parties. If alternative attendance or questioning mechanisms are

desired (e.g., screens, Skype, questions directed through the Chair, etc.), the Parties should request them from the Chair at least two (2) business days prior to the hearing. The University will make reasonable accommodations for both Parties 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 Respondent, 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 Respondent and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent 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 Respondent (through the chair as discussed in Section 600.040.N.6 above) and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.
  - c. **Respondent’s Evidence.** The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Chair as discussed in Section 600.040.N above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.
  - d. **Record of Hearing.** The Chair of the Hearing Panel shall arrange for recording of the hearing, whether by audio, video, digital or stenographic means. The recording of the hearing will become part of the Record of the Case in the Section 600.040 Process.
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 Respondent 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 Respondent if it is determined their 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 arrange for alternative attendance or questioning mechanisms for either Party or any witness at the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
- g. To have present a legal advisor to the Hearing Panel, who shall be designated by the Office of the General Counsel.
- h. To have the names of witnesses that may be called by the Investigator, the Complainant and the Respondent, all pertinent documentary evidence that may be introduced by those Parties, and a complete copy of the investigative report at least five (5) business days prior to the hearing.

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.**

- a. The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent 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 Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the panel, the panel will recommend appropriate sanctions.
- b. The Hearing Panel Chair will prepare a written panel report and deliver it to the Provost (or 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 Respondent is found responsible, the report should conclude with recommended sanctions. This report should be submitted to the Provost (or Designee) within five (5) business days of the end of deliberations. Deviation from the five-day period

will be communicated to the Parties, and the Provost (or Designee), along with an expected time for completion.

- c. The Provost (or Designee) will inform the Respondent 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: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

**Q. Sanctions.**

1. If the Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Hearing Panel (or Designee when used in the Administrative Resolution Process) will recommend sanctions and remedial actions. The Provost will make and enforce the finding of sanctions and remedial actions.
  - a. Factors Considered When Finding Sanctions/Remedial Actions include but are not limited to:
    - (1) The nature, severity of, and circumstances surrounding the violation;
    - (2) The disciplinary history of the Respondent;
    - (3) The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation;
    - (4) The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation; and
    - (5) The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.
  - b. **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:
    - (1) Warning - verbal or written;
    - (2) Performance Improvement Plan;
    - (3) Required counseling;
    - (4) Required training or education;
    - (5) Loss of annual pay increase;
    - (6) Loss of supervisory responsibility;

- (7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;
- (8) For Non-Regular Faculty, immediate termination of term contract and employment;
- (9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;
- (10) Suspension without pay (while the appeal is pending this is a suspension with pay);
- (11) Non-renewal of appointment; and
- (12) For Regular, Tenured Faculty, suspension without pay (while the appeal is pending, but not for the duration of the dismissal for cause proceedings, this is a suspension with pay), removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations.

c. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant. Such remedial actions will vary depending on the circumstances of the policy violation(s), but may include:

- (1) Where the Complainant is a student:
  - (a) Permitting the student to retake courses;
  - (b) Providing tuition reimbursement;
  - (c) Providing additional academic support;
  - (d) Removal of a disciplinary action; and
  - (e) Providing educational and/or on-campus housing accommodations.
- (2) Where the Complainant is an employee:
  - (a) Removal of a disciplinary action;
  - (b) Modification of a performance review;
  - (c) Adjustment in pay;
  - (d) Changes to the employee's reporting relationships; and
  - (e) Workplace accommodations.

In addition, the University may offer or require training and/or monitoring as appropriate to address the effects of the violation(s) of the University's Anti-discrimination Policies.

d. **When Implemented.** Sanctions and remedial actions are implemented immediately by the Provost unless the Chancellor 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.

**R. Appeal.**



1. **Grounds for appeal.** Both Complainant and Respondent 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 Respondent.
2. **Requests for Appeal.** Both the Complainant and the Respondent may submit a request for appeal to the Chancellor. All requests for appeal must be submitted in writing to the Chancellor 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 non-appealing 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 Designee) will make an initial review of the appeal request(s). The Chancellor (or Designee) will review the request for appeal to determine whether:
  - a. The request is timely;
  - b. The appeal is on the basis of the any of the three (3) articulated 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 Designee) will reject the request for appeal if any 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 Designee) will render a written decision whether the request for appeal is accepted or rejected within fourteen (14) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fourteen (14) business days from receipt of the request, the appeal will be deemed accepted.
5. **Review of the Appeal.** If all three requirements for appeal listed above are met, the Chancellor 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 for reconsideration.

- b. Sanctions and remedial actions are implemented immediately unless the Chancellor 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 will normally render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Chancellor is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Chancellor will promptly notify the Parties in writing of the delay.
  - 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 Designee) may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Chancellor (or Designee) will notify the Parties in writing if such extensions are granted.
- S. **Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions, remedial actions and corrective actions within the time frame specified. Failure to follow through on these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and remedial/corrective actions through the applicable process.
- T. **Records.** In implementing this policy, records of all Complaints, resolutions, and hearings will be kept by the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). An audio, video, digital, or stenographic record of the hearings will be maintained and will be filed in the office of the Provost or Title IX Coordinator and, for the purpose of review or appeal, be accessible at reasonable times and places to the Respondent 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 findings on each of the alleged policy violations by either 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 seven (7) years following final resolution.
- U. **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.
- V. **Retaliation.** Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all complaints of retaliation.

**Collected Rules and Regulations 600.050  
Equity Resolution Process for Resolving Complaints of Discrimination, Harassment  
and Sexual Misconduct against a Staff Member**

Bd. Min. 2-5-15; Amended 2-9-17 effective 3-1-17.

- A. **General.** The University will promptly and appropriately respond to any Complaint of violation of the University's Anti-Discrimination Policies. The procedures described below apply to such Complaints with the Respondent is a Staff Member, except as noted herein. Further, when the Complaint involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the System Title IX Administrator, the investigation may be conducted by an outside investigator.
- 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 servicing in the role of a University employee.

- If a Complainant simultaneously alleges or the investigation suggests that violations of the University's Anti-Discrimination Policies and disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of a policy, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process (i.e., the Grievance Procedure for Administrative, Service and Support Staff shall not apply). In conducting such investigations, the Equity HR Officer, Title IX Coordinator, and/or their Investigator may consult with and/or seek guidance from Human Resources staff or appropriate administrators as necessary.
- 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 and nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations.
  2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to Complaints of violation of the University's Anti-Discrimination Policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.

3. **Respondent.** The Staff Member of 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. When academic administrators are acting in their administrative, at-will role, Complaints against them will be processed pursuant to this Equity Resolution Process.
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 Respondent 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 Officer or Title IX Coordinator (or Designee) to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
8. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's designee.
9. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy. All references to "Title IX Coordinator" throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator's designee.
10. **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 either the Chancellor (or Designee) for campus Staff Members and MU Health Staff Members or the President (or Designee) for System Staff Members to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies.
11. **Supervisor.** The individual or individuals who have authority to terminate the Respondent's employment. If a supervisor has a conflict as determined by the Equity HR Officer, the Equity HR Officer or Title IX Coordinator will determine the appropriate manager to act as the Supervisor for purposes of this rule.

12. **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 either the Chancellor (or Designee) for campus Staff Members or Health System Staff Members or the President (or Designee) for System Staff Members.
  13. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer or Title IX Coordinator that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
  14. **Conflict Resolution.** Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
  15. **Administrative Resolution.** Resolution of a Complaint by the Equity HR Officer or Title IX Coordinator and the Respondent's Supervisor.
  16. **Record of the Case in Section 600.050 Process.** The Record of the Case in the Section 600.050 Process includes, when applicable: Letter(s) of Notice, exhibits; the finding on each of the alleged policy violations and sanctions by the Equity Officer, Equity HR Officer, and/or Title IX Coordinator; and the decision on appeal, if applicable.
  17. **Parties.** The Complainant and the Respondent 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 Equal Employment/Education Opportunity and Nondiscrimination Policy should report the Complaint to the Equity Officer. Any student, employee, volunteer, visitor or patient who believes that a Staff Member has violated the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy should report the complaint to the Title IX Coordinator. Complainants may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.
- F. **Preliminary Investigation.** Upon receiving the Complaint, the Equity HR Officer or Title IX Coordinator shall conduct a preliminary investigation. The purpose of the preliminary investigation is to gather enough information to make a threshold decision regarding whether the Complaint describes a possible violation of the University's Anti-Discrimination Policies. If the Complaint describes a possible violation, the Equity HR Officer or Title IX Coordinator will refer the matter to the appropriate procedural process and provide appropriate interim remedies. If the Complaint does not describe a possible violation, the matter will be referred to the appropriate non-equity process. Under those circumstances, the Equity HR Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

- The preliminary investigation shall be conducted promptly (typically within 7-10 business days of receiving the Complaint). At the conclusion of the preliminary investigation, the Equity HR Officer or Title IX Coordinator will provide the Complainant with written information regarding the appropriate procedural process and interim remedies, if any.
- G. Interim Remedies.** During the Equity Resolution Process and prior to a finding whether an alleged violation has occurred, the Equity Officer or Title IX Coordinator (or their Designee), in consultation with the Equity HR Officer when directly impacting a Staff 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 Respondent or on all Parties.
  3. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.
  4. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
  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. Providing transportation accommodations for the Complainant.
  7. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
  8. Implementing leave from work with or without pay for the Complainant and/or Respondent.
  9. Implementing suspension from campus with or without pay for the Respondent.
- H. 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 Designee), the Equity Officer, the Title IX Coordinator 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 Designee), the Equity Officer, the Title IX Coordinator 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. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Complainant to participate in the process.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

**I. 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, sanctions and remedial actions.
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.

**J. Rights of the Respondent 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 Respondent's choice accompany the Respondent to all meetings and proceedings throughout the Equity Resolution Process.
4. To refuse to have 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 sanctions.
  9. To have an opportunity to appeal the findings and sanctions.
- K. **Role of Advisors.** Each Complainant and Respondent 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 whoever 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 Officer or Title IX Coordinator assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Advisor have specific qualifications such as being an attorney.

- L. **Investigation.** If, following the preliminary investigation, a Complainant or the University wants to pursue a formal investigation, then the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint) will promptly appoint a trained Investigator or a team of trained Investigators to investigate. Within ten (10) business days after the commencement of the formal investigation, the Investigator(s) will provide the Parties with written notice identifying the nature of the allegation(s) against the Respondent and stating that an investigation has commenced, either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued emails account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person; 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email); or 3) when mailed and emailed.

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 investigative report to the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint), and the Supervisor. This report may include the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The investigation of reported misconduct should be completed expeditiously, normally within thirty (30) business days of the Equity Officer or Title IX Coordinator's decision to accept a Complaint for formal investigation. Investigation of a Complaint may take longer based on the nature or circumstances of the Complaint. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

M. **Summary Resolution.** During or upon the completion of the investigation, the Equity Officer or Title IX Coordinator will review the investigation, which may include meeting with the Investigator(s). The investigative report is not provided to the parties during the Summary Resolution, but is provided to the Parties at the Administrative Resolution. Based on that review, the Equity Officer or Title IX Coordinator will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

If the Equity Officer or Title IX Coordinator determines that there is a sufficient basis to proceed with the Complaint, then the Equity Officer or the Title IX Coordinator will direct the process to continue. The Complaint will then be resolved through either: Conflict Resolution or Administrative Resolution. There is no right to request consideration or appeal the summary determination to continue the process.

If the Equity Officer or Title IX Coordinator determines that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will be sent written notification of the determination. The Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request reconsideration of the summary determination ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, 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. This determination to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such determination is final. Further appeal of such determination is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer or Title IX Coordinator and that there is an

- insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent 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 appeal of such determination is not permitted.
- N. **Conflict Resolution.** Either Party may request conflict Resolution at any time during the Equity Resolution Process, including during the preliminary investigation. Upon receiving such a request, or of their own accord, the Equity Officer or Title IX Coordinator will determine if conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict Resolution. Conflict Resolution is often used for less serious, yet inappropriate behaviors and is encouraged as an alternative to the Administrative Resolution Process 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 Complainant's and the Respondent's Advisor may attend the Conflict Resolution Meeting. The Equity Officer of Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution may result in sanctions. In the event the Parties are unable to reach a mutually agreeable resolution, the investigation will be referred to the Administrative Resolution Process. The consent of the Parties' discussion during the conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administration Resolution process. The Parties' agreement to participate in, refusal to participate in, or termination of participation in conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

O. **Administrative Resolution.**

1. Procedural Details for Administrative Resolution. For the Administrative Resolution Process, which is described in more detail below, 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. The decision maker (i.e., the Investigator, Equity Officer or Title IX Coordinator, Equity HR Officer or Supervisor) has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than

informative. In addition, the following rules shall apply to the introduction of evidence:

- (1) Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the decision maker may grant a limited exception in regards to the sexual history between the Parties, if deemed relevant.
  - (2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either the Complainant or the Respondent's character is of limited utility and shall not be admitted unless deemed relevant by the decision maker.
  - (3) Incidents or behaviors of the Respondent 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 Respondent that shows a pattern may be considered, only if deemed relevant by the Equity HR Officer (or Designee).
- c. The Respondent and the Complainant may provide a list of questions for the Investigator(s) or Equity HR Officer (or Designee) to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party.
  - d. The Administrative Resolution Process will proceed regardless of whether the Respondent chooses to participate in the investigation or the finding.
  - e. The Administrative Resolution Process will normally be completed within sixty (60) business days of the Equity Officer or Title IX Coordinator's decision to accept the Complaint for formal investigation. Deviations from this timeframe will be promptly communicated to both Parties.
  - f. The Equity HR Officer (or Designee) may, in their discretion, grant reasonable extensions to the timeframes and limits provided.
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.

At least fourteen (14) business days prior to meeting with the Equity HR Officer and Supervisor or if no meeting is requested, at least fourteen (14) business days

prior to the Equity HR Officer and Supervisor rendering a finding(s) (or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the Parties), the Equity HR Officer and Supervisor will send a letter (Notice of Administrative Resolution) to the Parties with the following information:

- (a) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
- (b) Reference to or attachment of the applicable procedures.
- (c) A copy of the investigative report.
- (d) The option and deadline of ten (10) business days from the date of the notice to request a meeting with the Equity HR Officer and Supervisor.
- (e) An indication that the Parties may have the assistance of an Advisory of their choosing at the meeting through the Advisor's attendance at the meeting is the responsibility of the respective Parties.

The Investigator(s) will provide an investigative report to the Equity HR Officer and Supervisor and Parties. The Equity HR Officer and Supervisor can, but are not required to, meet with and question the Investigator(s) and any identified witnesses. The Equity HR Officer and Supervisor may request that the Investigator(s) conduct additional interviews and/or gather additional information. The Equity HR Officer and Supervisor will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent 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 Respondent 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, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

**P. Sanctions.**

1. **Factors Considered When Finding Sanctions/Remedial Actions.** If the Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will determine sanctions and remedial actions. Factors considered when finding sanctions/remedial actions may include:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - 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; and
  - f. Any other information deemed relevant by the Equity HR Officer or Title IX Coordinator and Supervisor.
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; and
  - j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.
3. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant. Such remedial actions will vary depending on the circumstances of the policy violation(s), but may include:
  - a. Where the Complainant is a student:
    - (1) Permitting the student to retake courses;
    - (2) Providing tuition reimbursement;
    - (3) Providing additional academic support;
    - (4) Removal of a disciplinary action; and

- (5) Providing educational and/or on-campus housing accommodations.
- b. Where the Complainant is an employee:
  - (1) Removal of a disciplinary action;
  - (2) Modification of a performance review;
  - (3) Adjustment in pay;
  - (4) Changes to the employee's reporting relationships; and
  - (5) Workplace accommodations.

In addition, the University may offer or require training and/or monitoring as appropriate to address the effects of the violation(s) of the University's Anti-Discrimination Policies.

- 4. **When Implemented.** Sanctions and remedial actions are implemented immediately by the Equity Officer or Title IX Coordinator, unless the Equity Resolution Appellate Officer 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 Respondent 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 Respondent.
- 2. **Requests for Appeal.** Both the Complainant and the Respondent 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 non-appealing 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;
- 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 any 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 render a written decision whether the request for appeal is accepted or rejected within fourteen (14) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fourteen (14) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three (3) 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 decision maker for reconsideration.
    - b. Sanctions and remedial actions 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 ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
    - 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.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.
- R. **Failure to complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions, remedial actions and corrective actions within the timeframe specified. Failure to follow through on



- these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and remedial/corrective actions through the applicable process.
- S. **Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). The “Record of the Case in the Section 600.050 Process” will include, if applicable, Letter(s) of Notice, exhibits; the finding on each of the alleged policy violations and sanctions by the Equity Officer, Equity HR Officer, and/or Title IX Coordinator; 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.
- T. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all claims of retaliation.

**Collected Rules and Regulations 600.060  
Equity Resolution Process for Resolving Complaints of Discrimination, Harassment,  
and Sexual Misconduct against the University of Missouri (New)**

Created 2-9-17 with effective date of 3-1-17.

- A. **General.** The University will promptly and appropriately respond to any Complaint of violation of the University’s Anti-Discrimination policies. The procedures described below apply to such complaints when the Respondent is not an individual actor, but rather the University of Missouri, one of the campuses within the University of Missouri System, or one of its or their educational programs, departments, or other institutional entities, except as noted herein. Further, this procedure shall not govern complaints alleging discriminatory denial of coverage under any University health plan, which complaints shall be processed pursuant to the University’s applicable grievance process.
- 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 remedial actions under Section 600.060 of the Collected Rules and Regulations 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 staff or faculty members are serving in the role of University employees.

If a Complainant simultaneously alleges or the investigation suggests that violations of the University's Anti-Discrimination Policies and disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of a policy, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process (i.e. the non-equity grievance procedures shall not apply). In conducting such investigations, the Equity Officer, Title IX Coordinator, and/or their Investigator may consult with and/or seek guidance from Human Resources staff or appropriate administrators as necessary.

- 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 and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations.
2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the

applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to Complaints of violation of the University's Anti-Discrimination policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.

3. **Respondent.** The University of Missouri, one of the campuses within the University of Missouri System, or one of its or their academic programs, departments, or other institutional entities, depending on the nature of the Complaint. The Equity Officer or Title IX Coordinator will designate the Respondent representative, consistent with the below guidelines:
  - a. For institutional complaints involving recruitment and admissions, the Respondent shall normally be represented by the Director of Admissions.
  - b. For institutional complaints involving treatment in educational programs, the Respondent shall normally be represented by the appropriate department head.
  - c. For institutional complaints involving nonacademic matters related to campus living and student life, the Respondent shall normally be represented by the appropriate administrative supervisor, department head, and/or director.
  - d. For institutional complaints arising out of employment, the Respondent shall normally be represented by the supervisor, department head, or director of the employing unit.
  - e. For institutional complaints relating to financial aid decisions, the Respondent shall normally be the Director of Student Financial Aid where the application for financial aid was originally filed or the award originally made.
4. **Complaint.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
5. **Advisors.** The individuals selected by the Complainant and the Respondent to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Advisor.
6. **Investigators.** Investigators are trained individuals appointed by the Equity Officer or Title IX Coordinator (or Designee) to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
7. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor or the President (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's designee.
8. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the

University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy. All references to "Title IX Coordinator" throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator's designee.

9. **Designated Administrator.** Designated Administrators are administrators selected by the System Chief Diversity Officer to assist in the administrative resolution process.
  10. **Equity Resolution Appellate Officers.** Equity Resolution Appellate Officers are trained, senior-level administrators who hear all appeals stemming for the Equity Resolution Process and are designated by either the Chancellor or the President (or Designee).
  11. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer or Title IX Coordinator that there is an insufficient basis to proceed with the Complaint that the Respondent violated 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 Officer or Title IX Coordinator and Designated Administrator.
  14. **Record of the Case in Section 600.060 Process.** The Record of the Case in the Section 600.060 Process includes, when applicable: Letter(s) of notice, exhibits; the finding on each of the alleged policy violations by the Equity Officer or Title IX Coordinator and Designated Administrator; and the decision on appeal, if applicable.
  15. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
- E. **Filing a Complaint.** Any student, employee, volunteer, visitor or patient who believes that the University of Missouri, one of the campuses within the University of Missouri System, or one of its or their educational programs, departments, or other institutional entities has violated the University's Equal Employment/Education Opportunity and Nondiscrimination Policy should report the Complaint to the Equity Officer. Any student, employee, volunteer, visitor or patient who believes that the University of Missouri, one of the campuses within the University of Missouri System, or one of its or their educational programs, departments, or other institutional entities has violated the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy should report the Complaint to the Title IX Coordinator. Complainants may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.

- F. **Preliminary Investigation.** Upon receiving the Complaint, the Equity Officer or Title IX Coordinator shall conduct a preliminary investigation. The purpose of the preliminary investigation is to gather enough information to make a threshold decision regarding whether the Complaint describes a possible violation of the University's Anti-Discrimination Policies. If the Complaint describes a possible violation, the Equity Officer or Title IX Coordinator will refer the matter to the appropriate procedural process and provide appropriate interim remedies. If the Complaint does not describe a possible violation, the matter will be referred to the appropriate non-equity process. Under those circumstances, the Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The preliminary investigation shall be conducted promptly (typically within 7-10 business days of receiving the Complaint). At the conclusion of the preliminary investigation, the Equity Officer or Title IX Coordinator will provide the Complainant with written information regarding the appropriate procedural process and interim remedies, if any.

- G. **Interim Remedies.** During the Equity Resolution Process and prior to a finding whether an alleged violation has occurred, the Equity Officer or Title IX Coordinator 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. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.
  3. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant, as appropriate.
  4. 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.
  5. Providing transportation accommodations for the Complainant.
- H. **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 Officer, the Title IX Coordinator, the Designated Administrator 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 Officer, the Title IX Coordinator, the Designated Administrator 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. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Complainant to participate in the process.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

**I. 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 remedial actions.
10. To have an opportunity to appeal the findings.

**J. Rights of the Respondent Representative 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 Respondent's choice accompany the Respondent to all meetings and proceedings throughout the Equity Resolution Process.
4. To refuse to have 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 remedial actions.
  9. To have an opportunity to appeal the findings.
- K. **Role of Advisors.** Each Complainant and Respondent 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 whoever 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 Officer or Title IX Coordinator assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Advisor have specific qualifications such as being an attorney.

- L. **Investigation.** If, following the preliminary investigation, a Complainant or the University wants to pursue a formal investigation, then the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint) will promptly appoint a trained Investigator or a team of trained Investigators to investigate. Within ten (10) business days after the commencement of the formal investigation, the Investigator(s) will provide the Parties with written notice identifying the nature of the allegation(s) against the Respondent and stating that an investigation has commenced, either: (1) in person, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

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 investigative report to the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). This report may include the Investigator's observations regarding the credibility of the Complainant, the Respondent representative, and any witnesses interviewed.

The investigation of reported misconduct should be completed expeditiously, normally within thirty (30) business days of the Equity Officer or Title IX Coordinator's decision to accept a Complaint for formal investigation. Investigation of a Complaint may take longer based on the nature or circumstances of the Complaint. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

M. **Summary Resolution.** During or upon the completion of the investigation, the Equity Officer or Title IX Coordinator will review the investigation, which may include meeting with the Investigator(s). The investigative report is not provided to the parties during the Summary Resolution, but is provided to the Parties at the Administrative Resolution. Based on that review, the Equity Officer or Title IX Coordinator will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

If the Equity Officer or Title IX Coordinator determines that there is a sufficient basis to proceed with the Complaint, then the Equity Officer or the Title IX Coordinator will direct the process to continue. The Complaint will then be resolved through either: Conflict Resolution or Administrative Resolution. There is no right to request reconsideration or appeal the summary determination to continue the process.

If the Equity Officer or Title IX Coordinator determines that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will be sent written notification of the determination. The Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request reconsideration of the summary determination ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, 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. This determination to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such determination is final. Further appeal of such determination is not permitted.



If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer or Title IX Coordinator and that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent 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 appeal of such determination is not permitted.

- N. **Conflict Resolution.** Either Party may request Conflict Resolution at any time during the Equity Resolution Process, including during the investigation. Upon receiving such a request, or of their own accord, the Equity Officer or Title IX Coordinator will determine if Conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution. Conflict Resolution is often used for less serious, yet inappropriate behaviors and is encouraged as an alternative to the Administrative Resolution process to resolve conflicts. 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 Complainant's and the Respondent's Advisor may attend the Conflict Resolution Meeting. The Equity Officer or Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution may result in further actions. In the event the Parties are unable to reach a mutually agreeable resolution, the investigation will be referred to the Administrative Resolution process. The content of the Parties' discussion during the Conflict Resolution process will be kept confidential in the event the matter proceeds to the Administration Resolution process. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

O. **Administrative Resolution.**

1. Procedural Details for Administrative Resolution.

For the Administrative Resolution Process, which is described in more detail below, 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. The decision maker (i.e. the Investigator, Equity Officer or Title IX Coordinator, or Designated Administrator) has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than

informative. In addition, the following rules shall apply to the introduction of evidence:

- (1) Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the decision maker may grant a limited exception in regards to the sexual history between the Parties, if deemed relevant.
  - (2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either the Complainant or the Respondent's character is of limited utility and shall not be admitted unless deemed relevant by the decision maker.
  - (3) Incidents or behaviors of the Respondent 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 Respondent that shows a pattern may be considered, only if deemed relevant by the Equity Officer or Title IX Coordinator.
- c. The Respondent and the Complainant may provide a list of questions for the Investigator(s), Equity Officer or Title IX Coordinator to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party.
  - d. The Administrative Resolution Process will normally be completed within sixty (60) business days of the Equity Officer or Title IX Coordinator's decision to accept the Complaint for formal investigation. Deviations from this timeframe will be promptly communicated to both Parties.
  - e. The Equity Officer or Title IX Coordinator may, in their discretion, grant reasonable extensions to the timeframes and limits provided.
2. Administrative Resolution: Resolution by the Equity Officer/Title IX Coordinator and Designated Administrator.

Administrative Resolution by the Equity Officer or Title IX Coordinator and Designated Administrator 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 Officer or Title IX Coordinator and Designated Administrator on each of the alleged policy violations; and
- c. A joint finding by the Equity Officer or Title IX Coordinator and Designated Administrator on remedial actions for findings of responsibility.

At least fourteen (14) business days prior to meeting with the Equity Officer or Title IX Coordinator and Designated Administrator or if no meeting is requested, at least fourteen (14) business days prior to the Equity Officer or Title IX

Coordinator and Designated Administrator rendering a finding(s) (or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the Parties), the Equity Officer or Title IX Coordinator and Designated Administrator will send a letter (Notice of Administrative Resolution) to the Parties with the following information:

- (a) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
- (b) Reference to or attachment of the applicable procedures.
- (c) A copy of the investigative report.
- (d) The option and deadline of ten (10) business days from the date of the notice to request a meeting with the Equity Officer or Title IX Coordinator and Designated Administrator.
- (e) An indication that the Parties may have the assistance of an Advisor of their choosing at the meeting, though the Advisor's attendance at the meeting is the responsibility of the respective Parties.

The Investigator(s) will provide an investigative report to the Equity Officer or Title IX Coordinator and Designated Administrator and Parties.

The Equity Officer or Title IX Coordinator and Designated Administrator can, but are not required to, meet with and question the Investigator(s) and any identified witnesses. The Equity Officer or Title IX Coordinator and Designated Administrator may request that the Investigator conduct additional interviews and/or gather additional information. The Equity Officer Title IX Coordinator and Designated Administrator will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations and the investigative report.

The Equity Officer or Title IX Coordinator and Designated Administrator will render a joint finding utilizing the preponderance of the evidence standard. The Equity Officer or Title IX Coordinator and Designated Administrator will also render a finding on appropriate remedial actions, if applicable. The findings are subject to appeal.

The Equity Officer or Title IX Coordinator will inform the Respondent and the Complainant of the joint finding on each of the alleged policy violations and the joint finding on remedial actions 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, (2) by email only to the Party's University-issued email account if the Party has consented in writing to receipt of all notifications by email; or (3) mailed to the mailing address of the respective Party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the Party's permanent address. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual (when prior consent – whether

electronically or in writing – has been given to receipt of all notifications by email) or 3) when mailed and emailed.

**P. Remedial Actions.**

1. Factors Considered When Finding Remedial Actions. If the Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity Officer or Title IX Coordinator and Designated Administrator will determine remedial actions.

Factors considered when finding a remedial action may include:

- a. The nature, severity of, and circumstances surrounding the violation;
- b. The need for remedial actions to bring an end to the discrimination, harassment and/or retaliation;
- c. The need for remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation; and
- d. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.
- e. Any other information deemed relevant by the Equity Officer or Title IX Coordinator and Designated Administrator.

2. Remedial Actions

The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant. Such remedial actions may vary depending on the circumstances of the policy violation(s), but may include:

- a. Where the Complainant is a student:
  - (1) Permitting the student to retake courses;
  - (2) Providing tuition reimbursement;
  - (3) Providing additional academic support;
  - (4) Removal of a disciplinary action; and
  - (5) Providing educational and/or on-campus housing accommodations.
- b. Where the complainant is an employee:
  - (1) Removal of a disciplinary action;
  - (2) Modification of a performance review;
  - (3) Adjustment in pay;
  - (4) Changes to the employee's reporting relationships; and
  - (5) Workplace accommodations.
- c. In addition, the University may offer or require training and/or monitoring as appropriate to address the effects of the violation(s) of the University's Anti-Discrimination Policies.

**Q. Appeal.**

1. **Grounds for Appeal.** Both the Complainant and the Respondent 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 remedial actions.
  - c. The remedial actions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Respondent.
2. **Requests for Appeal.** Both the Complainant and the Respondent 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 non-appealing 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;
  - b. The appeal is on the basis of any of the three (3) 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 remedial actions.

The Equity Resolution Appellate Officer will reject the request for appeal if any 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 render a written decision whether the request for appeal is accepted or rejected within fourteen (14) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fourteen (14) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three (3) 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 decision maker for reconsideration.
  - b. Remedial actions 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 ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  - 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.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.
- R. **Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer or Title IX Coordinator (depending on the nature of the Complaint). The “Record of the Case in the Section 600.060 Process” will include, if applicable, Letter(s) of notice, exhibits; the finding on each of the alleged policy violations and remedial actions by the Equity Officer or Title IX Coordinator and Designated Administrator; and the decision on appeal. The Record of the Case in the Section 600.060 Process will be kept for a minimum of seven (7) years following final resolution.
- S. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report of discrimination, harassment, or sexual misconduct or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment, or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all Complaints of retaliation.

**Collected Rules and Regulations 600.070**  
**Policy Related to Students with Disabilities (previously 240.040)**

Executive Order No. 21, 11-1-84; Amended 2-25-97; Amended 2-9-17 with effective date of 3-1-17.

- A. **Equality of Access** – The University of Missouri strives to assure that no qualified person with a disability shall, solely by reason of the disability, be denied access to, participation in, or the benefits of any program or activity operated by the University. Each such qualified person shall receive reasonable accommodations to provide equally effective access to educational opportunities, programs, and activities in the most integrated setting appropriate unless provision of such reasonable accommodation would constitute an undue hardship on the University or would substantially alter essential elements of the academic program or course of study or would otherwise compromise academic standards. This policy shall apply to all programs, services, and activities of the University, including but not limited to recruitment, admissions, registration, financial aid, academic programs, advising, counseling, student health, housing and employment.
- B. **Federal and State Laws** – This policy is intended to be consistent with Section 504 of the Rehabilitation Act of 1973, which states that no recipient of federal financial assistance may discriminate against qualified individuals with disabilities solely by reason of disability. This policy is also intended to be consistent with the Americans with Disabilities act of 1990 and the Missouri Human Rights Act.
- C. **Facilities** – Each program or activity, when viewed in its entirety, shall be accessible to otherwise qualified and eligible students with disabilities. Facilities, or parts of facilities, constructed or renovated for the University’s use will be designed and built so that they are accessible to and usable by persons with disabilities, in accordance with the ADA Accessibility Guidelines or other accessibility standards properly adopted by the campus. Accessible on-campus housing and food service will be provided at the same cost and with the same program options to qualified students with disabilities as are afforded to non-disabled students. When any University classes, programs or activities are held in private facilities, thorough efforts shall be made to obtain facilities which are accessible.
- D. **Coordination of Programs and Services for Students with Disabilities**
1. Campus disability support service (DSS) offices or other designated campus units are responsible for coordination of programs, services, and classroom accommodations for qualified applicants for admission and qualified enrolled students with disabilities. Such coordination relates solely to disability issues. Determinations as to whether a student is otherwise qualified often will be based on the academic requirements developed by the faculty. Specific services available to qualified students with disabilities will be provided by the University in conformity with the requirements of federal and state law.

2. All applicants and students seeking disability-related services and/or accommodations must disclose the presence of a specific disability to DSS. Before receiving requested services and/or accommodations, the student will be required to provide the DSS office with current medical or other diagnostic documentation of a disability from a qualified physician or other qualified diagnostician, as well as current documentation of the need for accommodations. In cases where existing documentation is incomplete or outdated, students may be required to provide additional documentation at the student's expense. All documentation related to an applicant or student's disability shall be kept confidential and retained by DSS. The DSS file shall be maintained separately from other student records maintained by the University.
3. It is the applicant/student's responsibility to self-identify, to provide current and adequate documentation of a disability, and to request accommodations, through the DSS office. The appropriate documentation must be provided in a timely manner to ensure full resolution of accommodations prior to the student's entrance into the program or course of study. However, a request can be made at any time. Documentation review and accommodations planning by DSS, including consultation with faculty and/or other campus entities that may be affected in providing accommodations, will be done on an individualized case-by-case basis.
4. Reasonable classroom accommodations will be provided to otherwise qualified and eligible students with disabilities who have self-identified and who have provided satisfactory documentation in support of their timely request for such accommodations, in compliance with federal and state mandates. These accommodations shall not affect the substance of the educational programs or compromise educational standards.
5. In addition to providing accommodations needed to ensure nondiscrimination in access to educational opportunities by otherwise qualified students with disabilities, the University is responsible for ensuring that no qualified disabled student is denied the benefits of or excluded from participation in a University program because of the absence of auxiliary aids, services, and/or other reasonable accommodations. Auxiliary aids, services, and/or other accommodations include but are not limited to interpreters (sign or oral), readers, scribes, adaptive equipment, and other appropriate services or equipment necessary for course or program accessibility.
6. Determinations as to whether and what reasonable services and accommodations shall be provided to qualified applicants for admission and qualified enrolled students with disabilities will be made initially by the coordinator of DSS (hereafter "the Coordinator"). The Coordinator will communicate with appropriate faculty members regarding the provision of services and/or accommodations and discuss appropriate methods for implementation of the



same. If the Coordinator and faculty member(s) are unable to reach agreement regarding the determination of whether and what reasonable services and accommodations shall be provided and/or the implementation of those services and/or accommodations, such disagreement shall be described in writing promptly and submitted to the Chancellor or Designee for resolution in a prompt manner.

7. Initial determinations and any disagreements submitted to the Chancellor or Designee (hereafter “the Chancellor”) will take into consideration all relevant factors including, but not limited to, the following:
    - a. Current documentation of the specific disability and of the need for the requested services or accommodations;
    - b. The essential elements of the academic program or course of study being pursued;
    - c. The fact that the law does not require a University to substantially alter essential elements of its academic program or course of study or to otherwise compromise its academic standards.
  8. While funding for accommodations to ensure equally effective access is provided by the University, funding for auxiliary aids, accommodations, and/or services in some instances may be shared with state vocational rehabilitation agencies. The law does not require and the University does not provide prescription devices or other devices/services of a personal nature (e.g. personal attendants) for students with disabilities.
- E. Establishment of Campus Policies** – Chancellors are directed to establish campus policies and/or procedures consistent with this order. These should cover, at a minimum, treatment of disability-related information and appropriate regard for confidentiality, responsibilities of students in applying for services through DSS, time lines to assure that students make accommodation requests in a timely manner, guidelines to assure that disability documentation is reasonably current, a description of the process of individualized assessment of each student’s disability documentation and accommodation request(s), the role of faculty in determining the essential elements of the academic program or course of study and the academic standards involved in the accommodations planning and review process within the context of academic program requirements. Any complaints of disability discrimination or failure to accommodate should be processed through the appropriate Equity Resolution Process (*See* Sections 600.030, 600.040, 600.050, and 600.060).
- F. Retaliation** – Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for: seeking an accommodation pursuant to this policy, filing a Complaint of discrimination based on disability, or participating in an investigation or proceeding concerning allegations of discrimination based on disability. Any person who engages in such retaliation shall be subject to the disciplinary action, up to and including expulsion or termination, in accordance with

applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all complaints of retaliation.

**Collected Rules and Regulations 600.080  
Policy Related to Employees with Disabilities (New)**

Bd. Min 2-9-17, effective 3-1-17.

- A. **Summary.** The Americans with Disabilities Act of 1990, as amended, and other federal and state laws protect employees and applicants for employment from discrimination on the basis of disability in the terms and conditions of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.
- B. **Scope.** This policy applies to all Academic and Administrative, Service and Support employees of the University.
- C. **Definitions:**
1. **Disability.** Disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of having such an impairment; or being regarded as having such an impairment.
  2. **Essential Functions.** Essential functions means the fundamental job duties of the employment position the person with a disability holds or desires.
  3. **Major Life Activities.** Major life activities include, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; as well as the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
  4. **Qualified Individual.** A “qualified individual” is a person who has the requisite skills, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.
  5. **Reasonable Accommodation.** A reasonable accommodation means a change in the job application process or work environment that enables a qualified individual with a disability to be considered for the position the individual desires, perform the essential functions of that position, or enjoy terms and conditions of employment that are enjoyed by similarly-situated individuals without disabilities.
  6. **Undue Hardship.** With respect to the provision of an accommodation, undue hardship means significant difficulty or expense in light of nature and cost of the

accommodation and the resources and circumstances of the University, campus, and department.

- D. **Policy.** It is the policy of the University to provide equal employment opportunity to employees and applicants for employment without unlawful discrimination on the basis of disability.

The University will seek to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability who is an employee or applicant for employment, unless the accommodation would impose an undue hardship on the University.

The University prohibits discrimination against or harassment of employees or applicants for employment on the basis of disability, including because the individual has requested a reasonable accommodation or made a complaint of disability discrimination.

1. **Requesting a Reasonable Accommodation.** An applicant or employee with a disability may request an accommodation from the campus human resources office. Current employees may also request an accommodation from their supervisor, campus human resources office or equity office. Upon receiving an accommodation request, an informal interactive process will be initiated to clarify the workplace barrier and identify possible accommodations. In some instances, medical documentation may be required regarding the disability. Medical information will be treated as confidential and disclosed only as permitted by law, but supervisors and managers may be informed regarding necessary restrictions and accommodations, and first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment. Disability related information will not be placed in the employee's personnel file.

A request for reasonable accommodation may be denied if it would impose an undue hardship. The University will not approve accommodation requests when the applicant or employee's disability would impose a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

2. **Complaint Procedure.** Any complaints of disability discrimination or failure to accommodate should be processed through the appropriate Equity Resolution Process (*See* Sections 600.030, 600.040, 600.050, 600.060).
3. **Retaliation.** Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for requesting a reasonable accommodation, making a complaint of disability discrimination, or participating in an investigation or proceeding concerning allegations of disability discrimination. Any person who engages in such retaliation shall be subject to disciplinary action, up to and

including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Officer or Title IX Coordinator. The University will promptly investigate all complaints of retaliation.

### **Academic, Student and External Affairs Committee**

Chairman Snowden provided time for discussion.

#### Information

1. 2016 Board Engagement with Student Leaders Report – presented by Chair Graham

Degree Recommendation, Bachelor of Science in Public Health, UMKC – presented by Senior Assistant Vice President Steve Graham (information on file)

It was recommended by Interim Vice President Robert W. Schwartz, endorsed by Interim President Michael A. Middleton, moved by Curator Snowden, seconded by Curator Phillips, that the following action be approved:

that the University of Missouri, Kansas City be authorized to submit the attached (and as on file with the minutes of this meeting) proposal for a Bachelor of Science in Public Health to the Coordinating Board for Higher Education for approval.

Roll call vote of Board:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

### **Audit Committee**

Chairman Graham provided time for discussion.

Information

1. Internal Audit and Consulting Quarterly Report, UM (information and slides on file)
2. Ethics and Compliance Hotline, Annual Report 2016, UM (information and slides on file)

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

It was recommended by Interim Vice President Rapp, endorsed by Interim President Middleton, moved by Curator Cupps, seconded by Curator Snowden, that the following action be approved:

that the Interim Vice President for Finance be authorized to employ the firm of BKD LLP to provide audit services to the University of Missouri for fiscal year ending June 30, 2017 for fees of \$654,461.

Roll call vote:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

The public session of the Board of Curators meeting recessed at 2:50 P.M.

**Board of Curators Meeting – Executive Session**

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 3:40 P.M., on Thursday, February 9, 2017, in South 304 of the Memorial Student Union on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Maurice B. Graham, Chair of the Board of Curators, presided over the meeting.

Present

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

Also Present

Mr. Michael A. Middleton, Interim President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy S. Harmon, Secretary of the Board of Curators

**General Business**

General Counsel's Report – presented by General Counsel Owens.

Litigation Report – presented by General Counsel Owens.

**Health Affairs – Executive Session**

Mr. Ron Ashworth and Ms. Teresa Maledy joined the meeting as members of the Health Affairs Committee.

Report on personnel and contracts – presented by Interim Chancellor Foley and Mr. Jonathon Curtright.

Dean Delafontaine, Mr. Robert Hess and Interim Vice President Rapp joined the meeting.

Extension of Participation in the MD Anderson Physicians Network Certified Member Program, MUHC – presented by Mr. Curtright (information on file)

It was recommended by Interim Chancellor Foley, endorsed by Interim President Middleton, moved by Curator Henrickson and seconded by Curator Snowden, that the following action be approved:

that the MU Health Care (MUHC) be authorized to purchase the Extension of Participation in the MD Anderson Physicians Network Certified Member Program from MD Anderson at a total cost of \$4,100,000.

Funding is as follows:

Ellis Administration Operating Funds

H0642-750000

Roll call vote:

Curator Cupps voted yes.

Curator Graham voted yes.

Curator Henrickson voted yes.

Curator Phillips voted yes.

Curator Snowden voted yes.

Curator Steelman voted yes.

The motion carried.

Interim Chancellor Foley, Mr. Curtright, Dean Delanfontaine, Mr. Hess and Interim Vice President Rapp excused themselves from the meeting.

### **Consent Agenda – Executive Session**

It was endorsed by Interim President Middleton, moved by Curator Steelman and seconded by Curator Snowden, that the following item be approved by consent agenda:

MU Head Baseball Coach, Steven R. Bieser, Contract for Employment Terms as presented to the Board of Curators on February 9, 2017.

Roll call vote of the full Board:

Curator Cupps voted yes.

Curator Graham voted yes.

Curator Henrickson voted yes.

Curator Phillips voted yes.

Curator Snowden voted yes.

Curator Steelman voted yes.

The motion carried.

**Audit – Executive Session**

Presentation of Draft Audit Report – presented by Interim Chief Audit Executive Piranio and Vice President Allen

No action taken by the Board.

Performance Goals, Interim Chief Audit Executive, Michelle Piranio

It was moved by Curator Cupps and seconded by Curator Steelman, that the performance goals for Interim Chief Audit Executive Piranio for the period November 17, 2016 – June 30, 2017 be approved as attached (and as on file with the minutes of this meeting).

Roll call vote of the Board:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

President’s Report on Personnel and Contracts – presented by Interim President Middleton.

The Board of Curators meeting recessed at 6:00 p.m.

**Reception and Dinner by Invitation for the Board of Curators, President and General Officers**

6:30 – 8:30 P.M.

Thursday, February 9, 2017

Hosted by: Interim Chancellor Foley and Dr. Foley

Topic: The Future of Engineering in Missouri

Presenter: Dean Elizabeth Loba

Location: Bond Life Sciences Center, 1201 Rollins Street, Columbia, Missouri  
65211



## **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 10, 2017

Topic: Recognition of Outstanding MU Students

Presenters: Taylor Cofield, Nicholas Bira and Jessica Anania

Location: Mark Twain Room, Memorial Student Union, MU Campus

A meeting of the University of Missouri Board of Curators reconvened in public session at 9:05 A.M., on Friday, February 10, 2017, in Stotler Lounge of the Memorial Student Union on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Maurice B. Graham, Chair of the Board of Curators, presided over the meeting.

#### Present

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

#### Also Present

Mr. Michael A. Middleton, Interim President

Mr. Stephen J. Owens, General Counsel

Ms. Cindy Harmon, Secretary of the Board of Curators

Dr. Gary K. Allen, Vice President for Information Technology

Dr. Henry “Hank” Foley, Interim Chancellor for University of Missouri-Columbia

Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis

Mr. Stephen C. Knorr, Vice President for University Relations

Mr. Leo E. Morton, Chancellor for University of Missouri-Kansas City

Dr. Robert W. Schwartz, Interim Vice President for Academic Affairs, Research and  
Economic Development

Ms. E. Jill Pollock, Interim Vice President for Human Resources

Mr. Ryan D. Rapp, Interim Vice President for Finance and CFO

Mr. Walter Branson, Vice Chancellor of Finance and Administration, Missouri S&T

Dr. David R. Russell, Chief of Staff, UM System

Mr. John Fougere, Chief Communications Officer, UM System

Media representatives

#### **General Business**

University of Missouri System President's Report – presented by Interim President Middleton

Interim President Middleton presented an overview of his service leading the University of Missouri System.

University of Missouri – Columbia Strategic Highlights – presented by Interim Chancellor Foley (slides on file)

Interim Chancellor Foley presented areas of challenge for the campus.

### **Consent Agenda**

Chairman Graham asked Curator Cupps to present his concern regarding consent agenda item #5. Curator Cupps was able to have his question answered and is fine with this item remaining on the consent agenda.

It was endorsed by Interim President Middleton, moved by Curator Cupps and seconded by Curator Steelman, that the following items be approved by consent agenda:

#### **CONSENT AGENDA**

1. Minutes, December 8-9, 2016 Board of Curators Meeting
2. Minutes, December 8-9, 2016 Board of Curators Committee Meetings
3. Minutes, December 14, 2016 Board of Curators Special Meeting
4. Minutes, December 1 and 8, 2016 Health Affairs Committee Meetings
5. Amendment, Collected Rules and Regulations 220.030, Honorary Degrees
6. Sole Source, Revenue Cycle Software System & Support, MUHC
7. Sole Source, daVinci Xi Surgical System, MUHC
8. Sole Source, TeleTracking Expansion for Bed Tracking/Patient Throughput, MUHC
9. Naming Opportunity, Landscaped Plaza at the Agriculture Building, MU
10. Project Approval, Power Plant-North Deaerator and Building Enclosure, MU

Roll call vote of the full Board:

Curator Cupps voted yes.

Curator Graham voted yes.

Curator Henrickson voted yes.

Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

1. Minutes, December 8-9, 2016 Board of Curators Meeting – as provided to the curators for review and approval.
2. Minutes, December 8-9, 2016 Board of Curators Committee Meetings - as provided to the curators for review and approval.
3. Minutes, December 14, 2016 Board of Curators Special Meeting - as provided to the curators for review and approval.
4. Minutes, December 1 and 8, 2016 Health Affairs Committee Meetings - as provided to the curators for review and approval.
5. Amendment, Collected Rules and Regulations 220.030, Honorary Degrees

## **Chapter 220: Degrees, Diplomas and Honors**

### **220.030 Honorary Degrees**

Bd. Min. 4-7-67, p. 33,191; Bd. Min. 10-12-73, p. 36,842; Amended Bd. Min. 2-12-82; Bd. Min. 6-19-87, 3-18-93; Amended Bd. Min. 12-13-96; 5-26-05; Amended Bd. Min. 12-7-12; Amended Bd. Min. 2-10-17.

#### **A. General Guidelines**

1. The University of Missouri shall grant no more than one honorary degree to an individual bearing the designation of a given campus. A different campus may consider an individual eligible for another honorary degree following a lapse of five years from the date the previous honorary degree was conferred. Names of previous honorary degree recipients, along with any other consideration, are on file in the Office of the Secretary of the Board of Curators.
  - a. The authority to award honorary degrees rests with the Board of Curators.
2. Initial nomination of any person for an honorary degree may be made by any member of the University of Missouri community.

- a. Initial evaluations of nominees will be by the Faculty Senate or Faculty Council of the campus, or by a committee appointed by the Chancellor from nominees provided by the Faculty Senate or Faculty Council. The Committee, if appointed, will forward its recommendations to the Faculty Senate or Faculty Council. The Faculty Senate or Faculty Council, or the Committee where one is appointed, shall consult with faculty in the relevant academic unit(s) as part of the evaluation process.
  - b. The Faculty Senate or Faculty Council will forward names and pertinent information regarding candidates receiving its positive recommendation to the Chancellor.
  - c. The Chancellor will forward names of candidates receiving her or his positive recommendation to the President.
  - d. The President will forward names of candidates receiving her or his positive recommendation to the Board of Curators.
  - e. With the Board's approval, the President will notify the awardee.
  - f. The Chancellor of each campus will be responsible for scheduling the occasion for the awardee to receive the degree. Should an individual be unable to accept the degree in the year the degree is offered, the degree may be conferred at a later time.
  - g. Prior to public announcement by the President and Chancellor, all matters relating to honorary degrees are treated as confidential.
3. The format of the honorary degree itself is to be the same as that for degrees awarded students on the campus.
- a. Degrees should be granted only in the name of the University of Missouri with the campus designation appearing in the body of the certificate as a means of specifying the campus where the degree is conferred.
4. Any honorary degree shall not be awarded in absentia or to a deceased person unless specifically recommended by the faculty and approved by the President and the Board of Curators.
5. The following guidelines are suggested in selecting honorary degree recipients:
- a. Persons who have rendered distinctive service to the University.
  - b. Persons who have rendered distinctive service to the State.
  - c. Graduates or former students who have achieved distinction.
  - d. A person of high distinction, from this country or abroad, who is not necessarily associated with the University or the State.

- e. As a general policy, honorary degrees shall not be awarded to active members of the University faculty or staff, or retired faculty members for career distinction achieved at the University of Missouri nor to political officials unless retired from political life.
- 6. The Board of Curators, on the recommendation of the Faculty Senate or Faculty Council of the relevant campus, may revoke the Honorary Degree of a living person after consideration of documented evidence that the individual has engaged in activities that are incompatible with the honor.
- B. **Notification**—All recipients of Honorary Degrees at any campus of the University shall be notified of such honor by the President of the University

6. Sole Source, Revenue Cycle Software System & Support, MUHC

That the MU Health Care (MUHC) be authorized to purchase Cerner Revenue Cycle Software from Cerner Corporation, at a total cost of \$10,187,000.

Funding is as follows:

MUHC IT Electronic Medical Record Capital Fund	H3137 777200	\$ 808,388
MUHC IT Business Applications Operating Fund	H2788 739800	\$9,297,612
MUHC IT Business Applications Operating Fund	H2788 740100	\$ 81,000

7. Sole Source, da Vinci Xi Surgical System, MUHC

That the MU Health Care (MUHC) be authorized to purchase a daVinci Xi Surgical System from Intuitive Surgical, Inc., at a total cost of \$3,283,380.

Funding is as follows:

University Hospital daVinci Xi Equipment Fund	H3757 777400	\$ 2,497,700
University Hospital Operating Room Fund	H0266 733100	\$ 785,680

8. Sole Source, TeleTracking Expansion for Bed Tracking/Patient Throughput, MUHC

that the MU Health Care (MUHC) be authorized to purchase TeleTracking Expansion for Bed Tracking/Patient Throughput from TeleTracking Technologies, Inc., at a total cost of \$1,877,804.

Funding is as follows:

MUHC IT Equipment Fund	H3730 777200	\$1,200,000.00
MUHC IT Ancillary Apps Operating Fund	H2789 739800	\$ 677,804.00

9. Naming Opportunity, Landscaped Plaza at the Agriculture Building, MU

That Landscaped Plaza at the Agriculture Building named the Thomas L. Payne Plaza in honor of Thomas L. Payne, retired Vice Chancellor & Dean of the College of Agriculture, Food and Natural Resources be renamed the Tom and Alice Payne Plaza.

10. Project Approval, Power Plant-North Deaerator and Building Enclosure, MU

the project approval for Power Plant – North Deaerator and Building Enclosure, University of Missouri – Columbia.

Funding of the project budget is from:

MU Campus Utility Funds \$6,701,167

Overview of University of Missouri System Commission Report – presented by Review Commission Chair Jeanne Sinquefield and Vice-Chair Gary Forsee

Ms. Sinquefield and Mr. Forsee presented an overview of the Review Commission's findings and recommendations.

Critical Issue Discussion – Leading in a Changing Fiscal Environment for Missouri Higher Education

Interim Vice President Rapp presented history of state funding for higher education and university enrollment (slides on file).

Chairman Graham opened the floor for discussion among the Curators and General Officers. No action taken by the Board.

Good and Welfare

Draft April 27-28, 2017 Board of Curators meeting agenda – no discussion (on file)

It was moved by Curator Henrickson and seconded by Curator Cupps, that the public session of the Board of Curators meeting, February 9-10, 2017, be adjourned.

Roll call vote:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

There being no other business to come before the Board of Curators, the public session meeting was adjourned at 12:15 P.M. on Friday, February 10, 2017.

### **Board of Curators Meeting – Executive Session**

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 12:50 P.M., on Thursday, February 10, 2017, in Room 304 South of the Memorial Student Union on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Maurice B. Graham, Chair of the Board of Curators, presided over the meeting.

#### Present

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

#### Also Present

Mr. Michael A. Middleton, Interim President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy S. Harmon, Secretary of the Board of Curators

### **General Business**

Interim Vice Presidents Rapp and Pollock joined the meeting.

Draft State Audit Report – presented by General Counsel Owens and Interim Vice President Rapp

No action taken by the Board.

It was moved by Curator Cupps and seconded by Curator Snowden, that the Board of Curators meeting, February 9-10, 2017, be adjourned.

Roll call vote:

Curator Cupps voted yes.  
Curator Graham voted yes.  
Curator Henrickson voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.

The motion carried.

There being no other business to come before the Board of Curators, the Board meeting was adjourned at 1:40 P.M. on Friday, February 10, 2017.

Respectfully submitted,



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

Approved by the Board of Curators on April 28, 2017.