

Student Conduct and Title IX Policies

By registering for a class at any University of Missouri campus, students agree to abide by the Code of Student Conduct below. For more information about student conduct contact Student Conduct and Community Standards in the Office of Student Affairs (301 Woods Hall; 314-516-5211).

Code of Student Conduct

200.010 Standard of Conduct (http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.010_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 the University's function as an educational institution. Consequently, students and student organizations must adhere to community standards in accordance with the University's mission and expectations.

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

A. **Jurisdiction of the University of Missouri** generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to the imposition of sanctions under Sections 200.020 and 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 (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020_sex_discrimination_sexual_harassment_and_sexual_misconduct) of the Collected Rules and Regulations. To determine whether a student organization is responsible for conduct outlined in Section 200.010 (https://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.010_standard_of_conduct).C, 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 his or her 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 (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/)

ch600/600.010_equal_employment_educational_opportunity_policy) of the Collected Rules and Regulations.

7. **Violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy in Section 600.020** (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020_sex_discrimination_sexual_harassment_and_sexual_misconduct) 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 of a campus visitor.**
10. **Unauthorized possession, duplication or use of keys to any University facilities or unauthorized entry to or use of University facilities.**
11. **Violation of University policies, rules or regulations or of campus regulations** including, but not limited to, those governing residence in University-provided housing, or the use of University facilities, or student organizations, or the time, place and manner of public expression.
12. **Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license or as expressly permitted by law or University regulations**, including operating a vehicle on University property, or on streets or roadways adjacent to and abutting a campus, under the influence of alcohol or a controlled substance as prohibited by law of the state of Missouri.
13. **Disruptive conduct.** Conduct that creates a substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities that occur on campus.
14. **Failure to comply with directions of University officials acting in the performance of their duties.**
15. **The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.**
16. **Hazing**, defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, and/or failing to report those acts may also violate this policy.
17. **Misuse of computing resources in accordance with University policy**, including but not limited to:
 - a. Actual or attempted theft or other abuse;
 - b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
 - c. Unauthorized transfer of a file;
 - d. Unauthorized use of another individual's identification and password;
 - 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.

Student Disciplinary Matters

200.20 Rules of Procedures in Student

Conduct Matters ([http://www.umsystem.edu/ums/rules/collected_rules/programs/](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct)

ch200/200.020_rules_of_procedures_in_student_conduct

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 (https://www.umsystem.edu/ums/rules/collected_rules/administration/ch10/10.030_board_bylaws), 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 (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.030_equity_resolution_process_for_resolving_complaints_of_harassment) *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 students from the Student Panelist Pool to serve as members on the Student Conduct Committee, or not more than two 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

(https://www.umsystem.edu/ums/rules/collected_rules/programs/ch250/250.010_approval_of_student_organizations) 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) (https://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters) 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.** 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 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 200.020.E.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. **Informal 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:**

- i. 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.
- ii. 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.
- iii. 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:

- i. A description of the alleged violation(s) and applicable policies
- ii. A description of the applicable procedures
- iii. A statement of the potential sanctions/remedial actions that could result; and
- iv. 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.

1. 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' permanent address.

Notice is presumptively deemed delivered, when: 1) provided in person or 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, or 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 only 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 (https://www.umssystem.edu/ums/rules/collected_rules/administration/ch10/10.030_board_bylaws), 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 (https://www.umssystem.edu/ums/rules/collected_rules/programs/ch200/200.010_standard_of_conduct), entitled Standards of Conduct. Procedures shall satisfy the requirements of the Board of Curators' Bylaws, Section 10.030 (https://www.umssystem.edu/ums/rules/collected_rules/administration/ch10/10.030_board_bylaws), 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 (https://www.umssystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters).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 adviser 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.**
 - i. The Primary Administrative Officer shall make opening remarks outlining the general nature of the case and testify to any facts the investigation has revealed.
 - ii. 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.**
 - i. University witnesses are to be called and identified or written reports of evidence introduced as appropriate.
 - ii. The Committee may question witnesses at any time.
 - iii. 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.**
 - i. 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.
 - ii. The accused student or student organization may present evidence through witnesses or in the form of written memoranda.
 - iii. 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:
 - i. 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;
 - ii. Permit a stipulation of facts by the Primary Administrative Officer and the student or student organization involved;
 - iii. Permit the incorporation in the record by reference of any documentation, produced and desired in the record by the University or the accused;

- iv. Question witnesses or challenge other evidence introduced by either the University or the student or student organization at any time;
 - v. 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;
 - vi. Call additional witnesses or require additional investigation;
 - vii. Dismiss any action at any time or permit informal disposition as otherwise provided;
 - viii. 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;
 - ix. 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;
 - x. 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, and the accused student(s) or student organization designee.

UMSL Anti-Hazing Policy (<http://www.umsl.edu/studentinvolvement/Fraternity%20and%20Sorority%20Life/HazingPrevention.html>)

Hazing, defined by the Fraternity Executive Association and accepted by the University of Missouri St. Louis, is any intentional action taken or situation created, whether on or off University or chapter premises, that produces mental or physical discomfort, embarrassment, harassment, or ridicule. This includes but is not limited to: paddling in any form, creation of excessive fatigue, physical or psychological shocks, wearing apparel in public, stunts and buffoonery, morally degrading or humiliating games and activities, involuntary labor, or any activity not consistent with the University Of Missouri Board Of Curators Standard Of Student Conduct.

The University of Missouri-St. Louis does not condone nor tolerate hazing of any type by any organization, or by an individual against another individual.

The University and the Office of Student Involvement will investigate any incident in which a charge of hazing has been made. University recognition may be temporarily withdrawn pending hearings and due process procedures.

- 1. Automatic and indefinite suspension of campus recognition with an accompanying loss of all campus privileges, (i.e. use of facilities, student services, etc.)

2. Disciplinary action against those members involved in the incident(s) including suspension or expulsion from the University.

The following diversity, equity and inclusion policies have been established by the University of Missouri Board of Curators to govern the academic and administrative functions of the four campuses and are available on the UM System website.

600.010 Equal Employment/Educational Opportunity and Nondiscrimination Policy (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010_equal_employment_educational_opportunity_policy)

600.070 Policy Related to Students with Disabilities (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.070_policy_related_to_students_with_disabilities)

330.070 Affirmative Action on Committee Appointments (https://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.070_affirmative_action_on_committee_appointments)

Students may contact Student Affairs (<http://www.umsl.edu/~studentconduct/Community%20Standards/standards.html>) or the Title IX Office (<https://www.umsl.edu/title-ix>) to lodge complaints or seek information about these procedures.

Equal Employment/Educational Opportunity

600.010 Equal Employment/Educational Opportunity and Nondiscrimination Policy (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010_equal_employment_educational_opportunity_policy)

Bd. Min. 2-19-71; Reaffirmed Bd. Min. 10-14-77; Amended Bd. Min. 5-23-80; Amended Bd. Min. 10-15-82; Amended Bd. Min. 10-16-03; Amended Bd. Min. 6-19-14; Revised 9-22-14 by Executive Order 41. Revised 2-5-15; Amended 2-9-17 with an 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-St. Louis

Dana Beteet Daniels
Title IX Coordinator

Senior Human Resources Consultant

Address:

211 Arts Administration Building
St. Louis, MO 63121

Telephone: (314) 516-4538

Email: dana@umsl.edu

www.umsl.edu/title-ix

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@umssystem.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 (https://www.umssystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.030_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 (https://www.umssystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.040_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 (https://www.umssystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.060_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 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, 3rd Floor, Suite 320

Kansas City, MO 64106

Telephone: (816) 268-0550

FAX: (816) 268-0599

TDD: (800) 877-8339

Email: OCR.KansasCity@ed.gov

600.020 Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy (https://www.umssystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020_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 an 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 (https://www.umssystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010_equal_employment_educational_opportunity_policy) 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 (<https://www.umssystem.edu/ums/>)

rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020_sex_discrimination_sexual_harassment_and_sexual_misconduct)

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:
 - i. Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
 - ii. 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-St. Louis

Dana Beteet Daniels

Title IX Coordinator

Senior Human Resources Consultant

Address:

211 Arts Administration Building

St. Louis, MO 63121

Telephone: 314-516-4538

Email: dana@umsl.edu

www.umsl.edu/title-ix

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

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://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> and for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481.

The State of Missouri regional Office 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, 3rd Floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599
TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

600.030 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Student or Student Organization (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.030_equity_resolution_process_for_resolving_complaints_of_harassment)

600.040 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Faculty Member (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.040_equity_resolution_process_for_resolving_complaints_of_harassment)

600.050 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Staff Member (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/chapter_600.050_equity_resolution_process_for_resolving_complaints)

600.060 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against the University of Missouri (https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.060_equity_resolution_process_for_resolving_complaints)