

# Student Conduct and Title IX Policies

By registering for a class at any University of Missouri campus, students agree to abide by the Standard Conduct below. For more information about student conduct contact the Office of Academic Integrity and Student Conduct in the Office of Institutional Effectiveness and Compliance( 314-516-5673 or oiec@umsl.edu).

## UM System Standard of Conduct

### 200.010 Standard of Conduct

Amended Bd. Min. 3-20-81; Bd. Min. 8-3-90, Bd. Min 5-19-94; Bd. Min. 5-24-01, Bd. Min. 7-

27-12; Bd. Min. 12-7-12; Bd. Min. 6-19-14; Revised 9-22-14 by Executive Order 41; Revised

11-3-15 by Executive Order 41; Amended 2-9-17; Bd. Min. 9-24-20; Bd. Min. 11-19-20;

Amended 6-29-23;Amended 9-7-2023

The Standard of Conduct exists to support the mission of the University of Missouri as an educational institution. The following expectations have been established in order to protect a specialized educational environment conducive to learning which fosters integrity, academic success, personal and professional growth, and responsible citizenship.

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. Students and student organizations are expected to demonstrate responsibility for their actions; respect the rights and property of others; and observe federal, state, and local laws, as well as University rules and policies.

The Standard of Conduct is implemented through Section 200.020 Rules of Procedures in Student or Student Organization Conduct Matters. It is to be implemented and interpreted in a manner that supports the University's mission as an educational institution and protects the University's educational environment.

**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 Section 200.020 and Chapter 600 of the Collected Rules and Regulations against students and student organizations for conduct occurring in other settings, including off campus, for the following purposes: (1) in order to protect the health, safety, welfare, and well-being of students, employees, and other members of the University community, or (2) if there are effects of the conduct that materially interfere with or limit any person's or entity's ability to participate in or benefit from the University's educational programs, activities, or employment. Jurisdiction of conduct occurring in other settings, including off campus, may be exercised at the discretion of the University for these

stated purposes, but shall not be exercised in any way that would interfere with a student's protected constitutional rights.

**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. Action against student organizations under the Standard of Conduct and Rules of Procedure may be separate from action taken against individual members. A student organization will be considered responsible for conduct outlined in Section 200.010.C only when there are circumstances indicating that the organization should bear collective responsibility for the conduct, and not solely because its individual members engaged in prohibited conduct. To determine whether a student organization is responsible for conduct outlined in Section 200.010.C and the extent to which it should be sanctioned, all relevant circumstances will be considered, including but not limited to the following:

1. Factors weighing in favor of organizational responsibility:
  - a. The student organization, through its officers or practices or customs, by any means approved, condoned, allowed, encouraged, assisted or promoted such prohibited conduct;
  - b. The prohibited conduct was committed, permitted, encouraged, aided, or assisted by one or more student organization executive officers or by one or more members while acting with authority on behalf of the student organization;
  - c. Student organization resources, such as funds, group communications, information technology resources, or organization property or venues, were used for the prohibited conduct;
  - d. The student organization, through its officers or advisers, materially interferes or interfered with any investigation or conduct proceedings related to the prohibited conduct;
  - e. A policy, protocol, or official practice of the student organization caused or materially contributed to the prohibited conduct; and/or
  - f. In the absence of any evidence of the factors listed in subdivisions 1. – 5. above, the prohibited conduct was committed, participated in, encouraged, aided, or assisted by twenty-five percent or more of the student organization's members;
2. Factors weighing against organizational responsibility:
  - a. The student organization had policies, protocols, or official practices in place to prevent or deter the prohibited conduct;
  - b. The student organization had provided guidance, education, or training to the individual members involved to prevent or deter the prohibited conduct;
  - c. The student organization took prompt and effective action to prevent or stop the prohibited conduct or mitigate its effects once the organization or its officers became aware or reasonably should have become aware of the prohibited conduct;
  - d. The student organization or its officers promptly reported the prohibited conduct to an appropriate University official and any other appropriate authorities; and/or
  - e. The student organization addressed any prohibited conduct of its members through an organizational sanction or punishment.

**C. Prohibited 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, unauthorized use of artificially generated content, 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, which shall not be considered a sanction for prohibited conduct under this rule. The instructor shall, consistent with other policies, 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, examinations or other assessments; (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, examinations, or other assessments.

b. The term **plagiarism** includes, but is not limited to: (i) use by paraphrase or direct quotation of the published work of another source without properly crediting the author with footnotes, citations or bibliographical reference; (ii) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; or (iii) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.

c. The term **unauthorized use of artificially generated content**, includes, but is not limited to (i) use of artificial intelligence tools or other tools that generate artificial content in taking quizzes, tests, examinations, or other assessments without permission from the instructor; (ii) submitting work for evaluation as one's own that was produced in material or substantial part through use of artificial intelligence tools or other tools that generate artificial content without permission from the instructor; (iii) using artificial intelligence tools or other tools that generate artificial content in a manner contrary to instructions from the instructor; or (iv) using artificial intelligence tools or other tools that generate artificial content in a manner that violates any other provision of these rules concerning academic dishonesty. Use of commonly available tools such as spelling or grammar checking software or features of software that propose anticipated words or phrases while text is being written will not be considered unauthorized use of artificially generated content unless such use is contrary to instructions from the instructor.

d. 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 furnishing information to the University that the student or student organization knows or reasonably should know is false.**

**3. Physical abuse or other physical conduct which threatens or endangers the health or safety of any person.**

**4. Stalking** another by engaging in a course of conduct directed at a specific person knowing or consciously disregarding a substantial and unjustifiable risk that the course of conduct would cause a reasonable

person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

**5. Violation of the University's Equal Employment/Education Opportunity and Nondiscrimination Policy** located at Section 600.010 of the Collected Rules and Regulations.

**6. Violation of the University's Sexual Harassment under Title IX Policy** located at Section 600.020 of the Collected Rules and Regulations.

**7. Threats**, defined as communication of a serious expression of intent to commit an act of unlawful violence against an individual or identifiable group, such that the individual or group would reasonably fear violence, regardless of whether the communicating individual actually intends to carry out the threat, and in which the person engaging in the communication knew or consciously disregarded a substantial and unjustifiable risk that it would have such an effect on the individual or identifiable group.

**8. 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.**

**9. Unauthorized possession, duplication or use of keys or other means of access to any University facilities or unauthorized entry to or use of University facilities, property or resources.**

**10. Misuse of University or personal property in a manner that creates a safety hazard or unauthorized use of safety equipment.**

**11. Deliberately setting off a fire or other emergency alarm without justified reason or knowingly giving a false report of a crime or emergency.**

**12. Violation of the available written policies, rules or regulations of the University or any of its units applicable to the student under the circumstances or of material conduct standards identified in contracts or agreements the student has entered into with the University**, 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.

**13. Violation of applicable federal, state, foreign or local law or ordinance**, that directly impacts the University's activities, programs, property, students, employees, or volunteers or indicates that the individual poses a risk to the safety, welfare, or well-being of the University's students, employees, or volunteers.

**14. Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance under state or federal law 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. To the extent there is any inconsistency between state and federal law as to circumstances in which manufacture, use, possession, sale or distribution of a substance is expressly permitted, federal law will govern to the extent appropriate to facilitate the University's compliance with the Drug Free Schools and Communities Act and any other applicable federal law.

**15. Substantially disrupting, or inciting others to substantially disrupt:**

a. University operations, functions or activities including, but not limited to classes or other teaching, research, study, lectures, performances, meetings, interviews, living or learning communities, administrative business, or ceremonies or other public events, regardless of whether such operations, functions or activities are conducted in-person or through information technology resources; or

b. Authorized or permissible non-University activities that occur at a location owned or controlled by the University or through information technology resources provided by the University.

**16. Failure to comply with lawful directions of University officials acting in the performance of their duties or failure to identify one's self to University officials acting in the performance of their duties when reasonably requested to do so and upon reasonable explanation of the reason for the request for identification.**

**17. Failure to comply with and complete all sanctions and remedial actions applied under Section 200.020 or Chapter 600 within the time frame specified.**

**18. The possession or use of firearms, explosives, other weapons, or hazardous chemicals that violates federal or state law or applicable foreign law or University rules.**

**19. 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, damages, defaces, or tampers with 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. Failure by a group's or organization's executive officers to intervene to prevent, discourage, and/or report hazing of which they are aware or reasonably should be aware also will be deemed a violation of this policy

**20. Misuse of information technology 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 information technology facilities to interfere with the work of another student, faculty member, or University official;
- f. Use of information technology facilities to interfere with normal operation of any University information technology system;
- g. Knowingly causing a virus, malware, or other means designed to disrupt, damage or gain unauthorized access to become installed in any information technology system or file; or
- h. Violation of Section 110.005 of the Collected Rules or Regulations or other University policy governing use of computing resources

**21. Retaliation, False Reporting, Witness Intimidation or Harassment, and Interference.**

a. Retaliation is any adverse action taken against a person because of that person's participation or refusal to participate in the process set forth in CRR 200.020, provided that the exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. 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 notify the Primary Administrative Officer. The University will promptly respond to all claims of retaliation in accordance with this policy.

b. 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 prohibited.

c. No individual, directly or through others, may take any action which attempts to or actually intimidates any potential Party or witness in the student conduct process, or which may interfere with the student conduct process.

d. All University employees and students must be truthful and candid when making any statement or providing any information or evidence to the University throughout the student conduct process, and all documentary evidence must be genuine and accurate. The fact that a determination has been made that a student has or has not engaged in prohibited conduct is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.

e. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of any proceedings under this policy does not constitute retaliation provided, however that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

**22. Attempting to commit or intentionally and materially aiding or inciting others to commit any of the forms of prohibited conduct stated in this rule.**

## Student Disciplinary Matters

### 200.20 Rules of Procedures in Student Conduct Matters

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; Bd. Min. 9-24-20; Amended 6-29-23.

**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 VI 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 and harassment, including sexual harassment is governed by Section 600.030: *Resolution Process for Resolving Complaints of Sexual Harassment under Title IX*, and Section 600.040: *Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization*.

The student conduct process, which is governed by these rules of procedure, is further intended to implement Section 200.010 Standard of Conduct in a manner that supports the University's mission as an educational institution and protects the University's educational environment. To the extent consistent with those goals, the student conduct process is intended to be a feature of an educational experience for the students involved, with a range of responses that may include educational responses, remedies or sanctions that will help students recognize the impact of their conduct for themselves and on the broader community and advance their academic and personal development.

The provisions of the Standard of Conduct, these Rules of Procedure, and any University policies concerning student conduct do not create any rights, expressly or by implication, in, for, or on behalf of any person or entity other than students and other members of the University community who are governed by such rules.

**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 shall appoint 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 Chief Student Affairs Administrator, 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 Universities of the University System. 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. The registered faculty/staff adviser may be present, but may not act on behalf of the student organization. The organization may utilize an attorney in all proceedings as it chooses, subject to other provisions in this rule. 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 adviser 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.4 below.

**7. Party or Parties.** The term "Party" or "Parties" refers to accused students or student organization and the Primary Administrative Officer in the context of formal procedure and disposition.

## C. Sanctions.

1. The following sanctions, when applicable, may be imposed upon any student or student organization found to have violated the Standard of Conduct. 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 System 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 System Housing Expulsion.** Permanent separation of the student or student organization from University owned or operated housing.
  - h. **University System Dismissal.** An involuntary separation of the student from the University System for misconduct. It is less than permanent in nature and does not imply or state a minimum separation time.
  - i. **Campus Suspension.** A student is suspended from being allowed on a specific University 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 Administrator (or Designee) of that campus. Conditions for readmission may be specified.



- j. **University System Suspension.** Separation of the student from the University System for a definite period of time, after which the student is eligible to return. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the Chief Student Affairs Administrator (or Designee) of the campus where the modifications would apply. Conditions for readmission may be specified.
- k. **University System Expulsion.** Permanent separation of the student from the University System.
- l. **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. The sanctions listed above shall be imposed in a manner that is reasonably proportionate to the violation in question, with consideration given to the severity of the violation, culpability of those involved, past dispositions in similar cases, and other factors as appropriate.

**3. Temporary Action for a Student.** The Chancellor or Designee may at any time temporarily suspend, deny readmission to, or place conditions on the attendance or participation of a student, effective immediately, pending formal procedures when the Chancellor or Designee finds and believes from available information that the student's continued attendance or participation would seriously disrupt the University operations or constitute a danger to the health, safety, or welfare of members of the University community. The Chancellor or Designee will give the student notice of such temporary action and the detailed reason for it in the same manner as for a Notice of Hearing described in these Rules of Procedure. Notice shall be deemed delivered in the same manner as a Notice of Hearing. Within five (5) business days of delivery of the notice, the student may submit a written response requesting reconsideration and/or modification of the temporary action. The time for submitting such written response may be extended upon written request at the discretion of the Chancellor or Designee for good cause. After due consideration of the response and all relevant circumstances, the Chancellor or Designee will sustain, remove, or modify the temporary action and notify the student of that decision. The appropriate procedure to determine the future status of the student will be initiated within seven (7) business days from the date the temporary action is taken.

**4. Temporary Action for a Student Organization.** The Chancellor or Designee may at any time temporarily suspend or place conditions on the student organization's 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, effective immediately, pending formal procedures when the Chancellor or Designee finds and believes from available information that the student organization's continued recognition, access, or use would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The Chancellor or Designee will give the student organization notice of such temporary action and the detailed reason for it in the same manner as for a Notice of Hearing described in these Rules of Procedure. Notice shall be deemed delivered in the same manner as a Notice of Hearing. Within five (5) business days of delivery of the notice, the student organization may submit a written response requesting reconsideration and/or modification of the temporary action. The time for submitting such written response may be extended upon written request at the discretion of the Chancellor or Designee for good cause. After due consideration of the response and all relevant circumstances, the Chancellor or Designee will sustain, remove, or modify the temporary action and notify the student organization

of that decision. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days from the date the temporary action is taken.

**D. Records Retention.** Student conduct records shall be maintained in accordance with applicable University rules and records retention policies.

## E. Policy and Procedures.

### 1. General Policies and Rights.

#### a. **Standard of proof and presumption of non-responsibility.**

A student or student organization is presumed not responsible for any alleged violation of the Standard of Conduct until a determination regarding responsibility is made at the conclusion of the student conduct process. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a violation occurred. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University.

**b. Other proceedings.** Students may potentially be held accountable through the University's student conduct process and other educational operations, as well as through other systems, such as the criminal justice system, civil litigation, or proceedings of various regulatory agencies or outside non-governmental organizations. The University's student conduct process is separate from other systems, and action under the University's student conduct process may occur before, during or after any proceedings through other systems. The University's student conduct process, including any hearing, is not a criminal or judicial proceeding and is designed to address student conduct in an educational context; therefore, alleged violations of the Standard of Conduct will be addressed independently of any outcome or proceedings in other non-University systems.

#### c. **General rights of students and student organizations involved in the student conduct process.**

1. To be treated with respect by university officials;
2. To be free from retaliation;
3. To have access to university support resources (such as counseling and mental health services and University health services);
4. To receive timely detailed written notice of any charges against them and the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings;
5. To have an adviser of the student's or organization's choice, who may be, but is not required to be, an attorney, accompany the student or organization's representatives to all interviews, meetings, hearings and proceedings throughout the conduct process;
6. To refuse to have an allegation resolved through informal disposition without prejudice;
7. Not to present self-incriminating information;
8. To remain silent, with such silence not considered as evidence supporting a finding of a violation;
9. To receive written notice of any delay of the process or limited extension of time frames; and
10. Not to be subject to charges under these procedures if in a prior proceeding the student or student organization has

received a notice of proposed informal disposition or notice of hearing under these rules regarding the same incident of alleged misconduct.

**d. Responsible action in emergencies.** The University encourages students to take responsible action in emergency situations, even if prohibited conduct may have occurred in conjunction with such an emergency.

1. Examples of such responsible action include:
  - a. Immediately alerting appropriate officials (e.g., calling 911) of the emergency, including providing the student's own name and the location and description of the emergency;
  - b. Remaining at the scene of the emergency, so long as it is safe to do so; and
  - c. Cooperating with emergency officials.

2. Decision makers acting under these rules of procedure will favorably consider the positive impact of taking responsible action in an emergency situation when determining the appropriate response to any alleged prohibited conduct by a student or student organization that may have occurred in conjunction with the emergency situation. This may include implementing educational responses or remedies other than conduct proceedings or reduced sanctions. Further, the University will not use statements made by a student in the course of immediately reporting an emergency situation to appropriate authorities as evidence to support a finding of a violation of the Standard of Conduct by the reporting student or a student organization of which the student is a member.

3. Failure to take responsible actions in an emergency situation may be considered an aggravating factor in determining sanctions for prohibited conduct.

4. Students who are acting in capacities as student workers or student volunteers are encouraged to follow applicable policies or training they have received from the university in addressing any emergency situation.

**e. Confidentiality.** The University must keep confidential the identity of any student who has made a report of alleged prohibited conduct, any student or student organization that has been accused or is otherwise suspected of prohibited conduct, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of applicable law, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. The University will not prevent any review or copying of law enforcement records that is allowed by law.

**f. Processing fee.** As approved and modified by the Chancellor from time to time, each campus may adopt a processing fee not to exceed \$300 to be charged to any student or student organization found responsible for prohibited conduct to defray costs of the student conduct process. Such fee may be set at different levels for student organizations than for individual students, but shall not otherwise vary by organization or individual.

**2. Preliminary Procedures.** The Primary Administrative Officer or Designee (hereafter "Primary Administrative Officer") is responsible for application and interpretation of the Standard of Conduct and determining appropriate approaches to implement it. Upon receiving a report of or otherwise becoming aware of potential misconduct, the Primary

Administrative Officer will devise and implement an educational response on how to proceed based on relevant factors, including but not limited to the severity of the potential misconduct; health, safety, or welfare of the student and members of the University community; and impact on members of the University community and the educational environment.

**a. Alternative resolutions.** At any point in the process, the Primary Administrative Officer may work with students involved under the circumstances to explore alternative educational solutions or remedies or other alternative resolutions in lieu of formal conduct procedures, findings of responsibility or possible sanctions. Informal negotiated resolutions without necessity of a hearing are encouraged and statements made by a student or student organization or their adviser during such negotiations shall not be used against the student or student organization in later hearings. A student or student organization may refuse to participate in alternative educational solutions or remedies or other alternative resolutions and in the event of such refusal, the matter will be addressed under these Rules of Procedure.

**b. Investigation; Consultations.** The Primary Administrative Officer shall investigate any 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 directed by the Primary Administrative Officer. If directing attendance at a consultation, the Primary Administrative Officer will inform the student or student organization of the right to have an adviser attend and participate. Parties involved in the student conduct process are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. Parties may present witnesses and other inculpatory and exculpatory evidence so long as such evidence is relevant.

**c. Use of Non-Binding Student Courts, Etc.** The Primary Administrative Officer, in making an investigation and informal disposition, may choose to utilize student courts and boards and/or divisional deans to make non-binding recommendations to the Primary Administrative Officer. In that event, the Primary Administrative Officer shall notify the student or student organization of the identity and contact information of the student court, board, or divisional dean from which a recommendation is being sought. Such notification also shall inform the student or student organization that participation in any proceeding before the student court, board, or divisional dean is voluntary on the part of the student or student organization and that any resulting recommendation is non-binding. There will be no adverse consequence or inference from declining to participate in any proceeding before the student court, board, or divisional dean. Neither the choice to decline to participate nor the recommendation of the student court, board, or divisional dean will be shared with the Committee in connection with any subsequent hearing.

**d. Departure from University During Process.** Should a student decide to leave the University and not participate in the investigation or other steps of the student conduct process without signing a

Voluntary Permanent Separation and General Release Agreement and without the approval of the Primary Administrative Officer, the Primary Administrative Officer may place a hold up on the student's readmission and the student will not be permitted to return to the University System until the student conduct process is completed with respect to the potential prohibited conduct. Should a student organization decide to abandon recognition by the University and not participate in the investigation or other steps of the student conduct process, the Primary Administrative Officer may direct that the student organization may not be granted recognition in the future until the student conduct process is completed with respect to the potential prohibited conduct.

**3. Informal Dispositions.** The Primary Administrative Officer shall have the authority to propose an informal disposition consisting of a preliminary determination and proposed appropriate remedies and/or sanctions. The Primary Administrative officer shall provide written notice of the proposed informal disposition. The notice shall inform the student or student organization that the failure to reject the proposed informal disposition within ten (10) business days may be considered as acceptance. If the student or student organization fails to submit a rejection to the Primary Administrative Officer within ten (10) business days, the proposed informal disposition shall become final. The time for rejecting the informal disposition may be extended upon written request at the discretion of the Primary Administrative Officer for good cause. 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.

## 4. Formal Procedure and Dispositions

### a. Student Conduct Committee:

1. The Committee shall be appointed by the Chief Student Affairs Administrator 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 Chief Student Affairs Administrator 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.

4. The Chief Student Affairs Administrator shall ensure that members of the Committee and Student Panelist Pool receive training on the Standard of Conduct and these Rules of Procedure. Members of the Committee and Student Panelist Pool will be removed if they fail to satisfy training requirements, as determined by the Chief Student Affairs Administrator.
5. Hearing Panel members, including the chair, or other Student Conduct Committee members who are to participate in the hearing of a case shall not have a conflict of interest with respect to or bias for or against accused students or student organizations generally, or for or against any Party, individual who reported alleged prohibited conduct, or Party affected by the alleged prohibited conduct. If such a member identifies a conflict of interest or bias, or otherwise cannot make an objective determination, the member must recuse from the proceedings in advance of the hearing.
6. The accused student or student organization will have been given the names of the Committee or Hearing Panel members and Chair who will hear the case in the Notice of Hearing. Should any accused student or student organization object to any member or chair, they must raise all objections, in writing, to the Chief Student Affairs Administrator no later than five (5) business days prior to the hearing unless, for good cause, the Chief Student Affairs Administrator allows objections to be raised later. Such objection shall be confidential and shall not be disclosed to the Committee or Hearing Panel. A member may be unseated by the Chief Student Affairs Administrator for good cause. Good cause may include, but is not limited to, bias that would preclude an impartial hearing or circumstances in which the member's or chair's involvement could impact the accused student's work or learning environment due to current or potential interactions with the member or chair (e.g., a panel member serving as an instructor or adviser to the accused student or student organization). If the Chief Student Affairs Administrator determines that a member or chair should be replaced, the Chief Student Affairs Administrator will select a replacement from the Student Conduct Committee. The Chief Student Affairs Administrator will provide a written response to all Parties addressing any objections to a member or chair.

**b. General Statement of Procedures.** A student or student organization accused of violating the Student Conduct Code is entitled to a written notice of the specific charges at issue and a formal hearing unless the matter is disposed of under the rules for informal disposition. Student conduct proceedings serve educational purposes identified in the Standard of Conduct and these Rules of Procedure and are not to be construed as judicial trials. Formal rules of evidence and civil procedure do not apply; but care shall be taken to comply as fully as possible with the spirit and intent of the procedural safeguards set forth in these Rules of Procedure. For formal hearing dispositions, decisions on responsibility for conduct violations must be based on relevant information submitted at the hearing, and any relevant information provided to the hearing panel in advance of the hearing with notice to the accused student or student organization and the Primary Administrative Office and the opportunity for the Parties to respond to such information. 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 and attorneys from the Office of the General Counsel performing distinct roles on the same case will not discuss the merits of the case with one another.

**c. Notice of Hearing.** At least twenty (20) 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 (or to the student or student organization's adviser if requested by the student or student organization) with the following information:

1. A detailed description of the alleged conduct at issue and applicable policies, rules, or regulations alleged to be violated;
2. A description of the applicable procedures, including right to have an adviser, who may be, but is not required to be, an attorney;
3. A statement of the potential sanctions/remedial actions that could result;
4. A statement notifying the student or student organization that they will be permitted to inspect, copy, and review any evidence obtained as part of the investigation that is directly related to the allegations to be addressed at the hearing, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence;
5. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the student conduct process, and all documentary evidence must be genuine and accurate;
6. A statement that nothing in these procedures is intended to alter any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution;
7. The names of the Committee or Hearing Panel members and Chair who will hear the case, and information on how to raise an objection to any member or chair and the timeline in which to raise any objections; and
8. 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.

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 electronically or 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 also shall be mailed and emailed to the Party's adviser, if an adviser has been identified by the Party.

Notice is presumptively deemed delivered, when: 1) provided in person or 2) emailed to the Party (when prior consent - whether electronically or in writing - has been given to receipt of all notifications by email or 3) when mailed and emailed to the Party and the Party's adviser, if an adviser has been identified by the Party.

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.

## 5. Right to Petition for Review.

a. Except in cases where a right of appeal applies, 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 ten (10) 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 for review in detail, and the non-appealing Party or Parties may answer the petition within ten (10) business days. Upon written request, the Chancellor or Designee may extend the time for petition or answer for good cause.

b. The Chancellor or Designee may review or refuse to review the decision. In all cases where the Petition for Review is refused, the action of the Committee shall be final. If review is granted, the Chancellor or Designee may affirm, reverse or modify the decision, or remand the case for further proceedings. The action of the Chancellor or Designee after review shall be final unless it is to remand the matter for further proceedings.

**6. Right of Appeal** (involving issues of 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 or when such sanctions have been expressly requested by the Primary Administrative Officer and refused by the Committee, the Primary Administrative Officer or the accused student or student organization may appeal such decision to the Chancellor by filing written notice of appeal stating the grounds 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. A copy of the Notice of Appeal and any memorandum must also be served upon the non-appealing Party or Parties within such time, and any other Party may submit a reply to such memorandum within ten (10) business days. Upon written request, the Chancellor or Designee may extend the time for appeal or reply for good cause.

b. The Chancellor shall review the record of the case and the appeal documents and may affirm, reverse or modify the decision, 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.

**7. Grounds for Review or Appeal.** Grounds for appeals are limited to the following:

- a. A material deviation from established procedures that affected the outcome of the matter;
- b. To consider new evidence that was not reasonably available at the time the decision was made that could affect the outcome of the matter;
- c. The Committee members or Student Panelists demonstrated a conflict of interest or bias against students or student organizations generally or against the particular student or student organization that affected the outcome of the case; and/or



d. The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the student or student organization.

Review or appeal is not intended to be a full rehearing of the case and is therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, and relevant documentation regarding the grounds for review or appeal. A review or appeal granted based on new evidence should normally be remanded to the original decision-maker for reconsideration. The Chancellor or Designee will normally render a written decision, with an explanation of reasons, on the review or appeal to all Parties within ten (10) business days after receiving the answer or reply, or after the deadline for answer or reply has passed without a submission being made. In the event the Chancellor or Designee is unable to render a written decision within ten (10) business days, the Chancellor or Designee will promptly notify the Parties in writing of the delay. Once a review or appeal is decided, the outcome is final. Further appeals and grievances are not permitted.

## 8. 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.

**9. 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 Article VI of the Bylaws of the Board of Curators, Section 10.030, 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 Article VI of the Board of Curators' Bylaws, Section 10.030, and shall contain procedures herein before stated insofar as appropriate and adaptable to the particular situation. Before it can be implemented, a student honor system and any amendment to a student honor system must be approved as provided herein. A proposed student honor system or amendment must be approved by the applicable dean, then the Chancellor, and then the Office of the General Counsel. After such approvals, the proposed student honor

system or amendment must be submitted to the Board of Curators for approval. Students subject to student honor systems shall have the rights of appeal as set forth in Section 200.020.E.6.

## F. Hearing Procedures.

### 1. Pre-Hearing Disclosures.

- a. **Primary Administrative Officer's Disclosure.** At least ten (10) business days prior to the hearing, the Primary Administrative Officer will provide the accused student or student organization, the student's or organization's adviser if an adviser has been identified by the student or organization, and the Chair:
  - i. An investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and any written response as described below;
  - ii. A list of the names of the proposed witnesses to be called by the Primary Administrative Officer;
  - iii. Copies of all proposed documentary, photographic, video, or audio evidence;
  - iv. Notification that all of the evidence gathered in the course of the investigation that is directly related to the allegations to be addressed at the hearing is available to the student or student organization and instructions regarding how to request access to that information, which shall include evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence;

1. If any evidence that otherwise would have been subject to inclusion in the notice is received after the notice is issued, such evidence will be provided to the accused student or student organization as soon as practicable before the hearing date; and

- v. Notice that the Parties may request a virtual hearing and/or any necessary accommodations.

- b. **Student or Student Organization's Disclosure.** At least five (5) business days prior to the hearing, the accused student or student organization will provide to the Primary Administrative Officer and the Chair:

1. Any written response to the investigative report that the student or student organization may wish to submit;
2. A list of the names of proposed witnesses to be called by the student or student organization and the name of any adviser who will be attending; and
3. Copies of all proposed documentary, video, or audio evidence.

- c. **Rebuttal Disclosure.** If the Primary Administrative Officer identifies rebuttal witnesses or evidence to be called or submitted, the Primary Administrative Officer shall provide notice of such witnesses or evidence to the accused student or student organization at least two (2) business days before the hearing.

### 2. Request for Alternative Attendance or Questioning Mechanisms.

The Chair, in consultation with and by agreement of the Parties, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized in the investigative report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question and cross

examine all present witnesses during the hearing. All Parties shall have the right to have an adviser, who may be, but is not required to be, an attorney, participate in the hearing.

All hearings will be live (in person or virtually). However, at the request of either Party, or by the University's designation, the live hearing may occur with the Parties located in separate rooms with technology enabling the Committee, the Parties and their advisers to simultaneously see and hear the Party or the witness answering questions. Should any hearing take place in this manner, the Chief Student Affairs Administrator or Designee shall be in charge of the technology during the hearing. The University will make reasonable accommodations for the Parties in keeping with the principles of equity and fairness. Such witnesses, however, shall still be subject to cross-examination.

**3. 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, verify the receipt of notices of hearing by the student or student organization, report any continuances requested or granted, establish the presence of any adviser of the student or student organization (who may be, but is not required to be, an attorney) 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 Committee to consider.

## a. Opening Statements.

1. The Primary Administrative Officer shall make opening remarks outlining the general nature of the case.
2. The accused student or student organization or adviser 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. The Primary Administrative Officer may state any facts the investigation has revealed. University witnesses are to be called and identified or written reports of evidence introduced as appropriate. The Committee or Panel may not rely on information in a report provided by a witness whose identity has not been disclosed to the accused Party.
2. The Committee may question witnesses at any time.
3. The accused student or student organization or the adviser may question and cross examine 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 or adviser 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. Provided, however, that the accused student or student organization retains the right to remain silent and such silence shall not be considered as evidence supporting a finding of a violation.

**d. Rebuttal Evidence.** The Committee may permit the University or the accused student or student organization or adviser 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, provided the other Party has had an opportunity to review and respond to the documentation;
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; and
10. Suspend summarily students from the University who, during the hearing, obstruct or interfere with the course of the hearing or persistently fail to abide by the ruling of the Chair of the Committee on any procedural question or request of the Chair for order.

**f. Communications.** The Committee shall avoid communication with either Party or their advisers regarding the merits of a pending case prior to the hearing without the other Party or its adviser included. Communications for purposes of scheduling are permitted.

**4. 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, which right may be waived by either written notification to the Chair or by failure to appear;
- b. Have an adviser (who may be, but is not required to be, an attorney) present during the hearing, who may actively participate and assist the student as described herein;
- c. To testify at the hearing or refuse to testify at the hearing;
- d. Hear or examine evidence presented to the Committee;
- e. Question witnesses present and testifying;
- f. Present evidence by witnesses or affidavit;
- g. Make any statement to the Committee in mitigation or explanation of the conduct in question;
- h. Request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other;
- i. Be informed in writing of the findings of the Committee and any sanctions it imposes; and
- j. Request review or appeal to the Chancellor or Designee as herein provided.

**5. Rights of the Primary Administrative Officer Upon Hearing.** The Primary Administrative Officer appearing before a Committee shall have the right to:

- a. Be present at the hearing;
- b. Have an attorney from the Office of the General Counsel present as legal adviser to the Primary Administrative Officer, who may actively participate and assist the Primary Administrative Officer as described herein;
- c. To state any facts the investigation has revealed;
- d. Hear or examine evidence presented to the Committee;
- e. Question witnesses present and testifying;
- f. Present evidence by witnesses or affidavit;
- g. Request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other;
- h. Be informed in writing of the findings of the Committee and any sanctions it imposes; and
- i. Request review or appeal to the Chancellor or Designee as herein provided.

**6. 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.

**7. 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. The Committee's report shall detail the following:

- a. Identification of the allegations potentially constituting prohibited conduct and the determination of the Committee;
- b. A description of the procedural steps taken;
- c. Findings of fact supporting the determination and any information the Committee excluded from its consideration and why;
- d. Conclusions regarding the application of the University's Standard of Conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- f. Any disciplinary sanctions to be imposed on the student or student organization; and
- g. The procedures and permissible bases for the Parties to seek review or appeal.

**8. Evidentiary and Procedural Questions.** The relevancy and admissibility of any evidence offered and procedural questions 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. In considering evidentiary and procedural questions, the Chair will apply the following rules:

- a. The Chair has the discretion to determine the relevance of any witness or documentary evidence and may exclude any witness, document, or information that is irrelevant, immaterial, cumulative, or more prejudicial than informative.
- b. The Committee shall consider the trustworthiness of all oral or written statements and no oral or written statement shall be considered if the source of the statement has not been disclosed to the Committee and the Parties.
- c. 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 a Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-maker.
- d. Incidents or behaviors of a Party 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 a Party that shows a pattern may be considered only if deemed relevant by the decision-maker.
- e. A student's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or

maintained in connection with the provision of treatment to the student, may not be used without that student's express consent.

f. The Chair and Committee shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**9. 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. The Chair or Committee may dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chair or the Committee.
- d. Rules of common courtesy and decency shall be observed at all times.

**10. Advisers / Attorneys.** A student or student organization may have an adviser, who may be, but is not required to be, an attorney. Prior to the hearing, the adviser may communicate with the Chair on behalf of the student or student organization, including raising questions or objections or making requests regarding procedural matters.

At the hearing, the adviser may ask any witnesses all relevant questions and follow-up questions, including those challenging credibility, and conduct cross-examination and other questioning. An adviser may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Chair after recognition. An adviser may make presentations and speak on behalf of their Party and may consult with the student or representatives of the student organization quietly or in writing, or outside the hearing during breaks.

**11. 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.

**12. Transcripts.** Information regarding expulsions will be noted on transcripts and shared system-wide. The Primary Administrative Officer will inform the Registrar or designee, who will make

## Diversity Equity and Inclusion Policies

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

600.070 Policy Related to Students with Disabilities

330.070 Affirmative Action on Committee Appointments

Students may contact Office of Academic Integrity and Student Conduct or the Title IX Office to lodge complaints or seek information about these procedures.

## Equal Employment/Educational Opportunity

For More Information please visit UMSL's Title IX and Equity office.

### 600.010 Equal Employment/Educational Opportunity and Nondiscrimination 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; Revised 7-28-20 with effective date of 8-14-20.

**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.
3. 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. As used in this policy, the word "sex" is also inclusive of the term "gender."

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 Universities in the System.

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**

Jessica Swederske  
Title IX Coordinator and Equity Officer  
421 Woods Hall  
St. Louis MO 63121  
**Telephone:** 314-516-5748  
**Email:** swederskej@umsl.edu

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

**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 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

## 600.030 Resolution Process for Resolving Complaints of Sexual Harassment under Title IX - for matters involving conduct alleged to have occurred on or after August 14, 2020

**A. General.** The University will promptly and appropriately respond to any report of violation of the University's Title IX policies.

**B. Jurisdiction.** Jurisdiction of the University of Missouri under the Title IX policies shall be limited to sexual harassment which occurs in an education program or activity of the University of Missouri against a person in the United States. For purposes of this policy, "education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs, and includes any building owned or controlled by a student organization that is officially recognized by the University. This policy does not apply to sexual harassment which occurs outside of the United States, even when the conduct occurs in an education program or activity of the University.

If a Complainant alleges or the investigation suggests that another University policy violation occurred in concert with an alleged violation of the University's Title IX policies, the University shall have the authority to investigate and take appropriate action regarding the alleged violations of other University policies pursuant to this process. In conducting such investigations, the Title IX Coordinator(s), and/or their Investigator may consult with and/or seek guidance from the Equity Officer, Student Conduct Coordinator, or other University officials as appropriate. If the allegations in a Formal Complaint that fall under this policy are dismissed, the University may discontinue the process under this policy and proceed under the applicable University procedure for all remaining allegations in the Formal Complaint.

### C. Definitions:

1. **Academic Medical Center.** University of Missouri Hospitals and Clinics, and other Academic Medical Centers as may be designated by the University in the future.
2. **Academic Medical Center Resolution Process.** Resolution of a Formal Complaint by a decision-maker making a finding on each of the alleged policy violations and a finding on sanctions.
3. **Administrative Resolution.** A voluntary informal resolution process where a decision-maker makes a finding on each of the alleged policy violations in a Formal Complaint and a finding on sanctions without a hearing.
4. **Advisors.** The individuals selected by the Complainant and the Respondent, or if a Party does not have their own Advisor, selected by the University, to conduct all cross-examination and other questioning on behalf of a Party at a hearing; an Advisor may, but is not required to, be an attorney.
5. **Alternate Methods of Notice:** Methods of providing Notice to a Party other than in person or by email to the Party's University email account; these include email to another email account specified by the Party, or a Party's designation of an address to which Notice may be mailed via U.S. Mail; a Party seeking to designate an Alternate Method of Notice must provide such designation in writing to the Title IX Coordinator.
6. **Complainant.** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
7. **Emergency Removal Appeal Individual/Committee:** An individual or committee of three (3) individuals appointed by the Chancellor (or Designee) to hear appeals of an Emergency Removal decision by the Title IX Coordinator.
8. **Equity Resolution Appellate Officer.** For Staff, Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all appeals stemming from the Title IX Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
9. **Equity Resolution Hearing Panel ("Hearing Panel").** A group of two (2) trained Equity Resolution Hearing Panelist Pool members who, together with the Hearing Officer, serve as the Hearing Panel for a specific Formal Complaint. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. The Hearing Officer shall serve as the Chair of the Hearing Panel.
10. **Equity Resolution Hearing Panelists Pool ("Hearing Panelist Pool").** A group of at least five (5) faculty and five (5) administrators and/or staff selected by the Chancellor (or Designee) 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 ten (10) faculty members proposed by the faculty council/senate. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.
11. **Formal Complaint.** Formal Complaint means a written document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. The phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
12. **Hearing Officer.** A trained individual appointed by the Chancellor (or Designee) to preside over a hearing and act as a member of the Hearing Panel, and to rule on objections and the relevancy of questions and evidence during the hearing.
13. **Hearing Panel Decision.** Resolution of a Formal Complaint by an Equity Resolution Hearing Panel recommending or making a finding on each of the alleged policy violations and sanctions, if applicable.
14. **Hearing Panelist Pool Chair ("Pool Chair").** The Hearing Panelist Pool Chair is selected by the Chancellor (or Designee). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the

Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.

15. **Informal Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, administrative resolution, or restorative justice.
16. **Investigators.** Investigators are trained individuals appointed by the Title IX Coordinator (or designee) to conduct investigations of the alleged violations of the University's Title IX Policies.
17. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
18. **Record of the Case.** The Record of the Case in the Section 600.030 Process includes, when applicable: All Notices to the Parties; investigative report; recordings of Party and witness interviews; exhibits used at a hearing or at the Academic Medical Center (AMC) Meeting; recordings of meetings between the AMC decision-maker and Parties and witnesses, if any; the hearing record (an audio or audiovisual record of the hearing); any determination of dismissal of all or part of a Formal Complaint; the determination on each of the alleged policy violations and sanctions by either the Hearing Panel or decision-maker; and the decision on the appeal, if any, including the request for appeal, any additional evidence submitted for the appeal, and written arguments of the Parties.
19. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Title IX Policies.
20. **Respondent.** Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
21. **Rules of Decorum.** Hearing process rules to which Parties and their Advisors must adhere during any Hearing under this policy.
22. **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 Universities of the University System. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
23. **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.
24. **Support Person.** An individual selected by a Party to accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process. A Support Person may not attend a hearing under the Title IX process unless also serving as a Party's Advisor.
25. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to respond to reports of sexual harassment; and to receive and assist with the Title IX process for Formal Complaints alleging violation of the University's Sexual Harassment 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.

26. **University's Title IX Policies.** The University's Title IX Policies include this Policy and the Sexual Harassment in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations (CRR).

**D. Making a Report.** Any person (whether or not the person reporting is the Complainant) may report sexual harassment to the Title IX Coordinator. Such Reports may be made in person, or at any time (including during non-business hours) by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, by an online portal set up by the University for this purpose, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Individuals may also contact University police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Parties and witnesses accused of minor student conduct violations ancillary to the incident.

**E. Preliminary Contact.** Upon receiving a Report, the Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures as defined herein, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. If the identity of the Complainant is unknown, the Title IX Coordinator may conduct a limited investigation sufficient to identify the Complainant to the extent possible.

**F. Filing of a Formal Complaint.** A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth in CRR 600.020, or through an online portal provided for this purpose by the University. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity of the University.

The Title IX Coordinator may sign a Formal Complaint when they believe that with or without the Complainant's desire to participate in this process, a non-deliberately indifferent response to the allegations requires an investigation. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this policy.

If the Respondent files a Formal Complaint against the Complainant within ten (10) business days of the date of the Notice of Allegations where the allegations of sexual harassment in both Formal Complaints arise out of the same facts or circumstances, the University will consolidate the Formal Complaints for purposes of investigation and resolution in accordance with this policy.

The University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party where the allegations of sexual harassment arise out of the same facts or circumstances. If the Respondent files a Formal Complaint against the Complainant more than ten (10) business days after the date of the Notice of Allegations where the allegations of sexual harassment in both Formal Complaints arise out of the same facts or circumstances, the University may consolidate the Formal Complaints for purposes of investigation and resolution in accordance with this policy. Where this process involves more than one Complainant or more than one

Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

#### **G. Notice of Allegations:**

1. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's Title IX Process, including Informal Resolution;
  - b. Notice of the allegations of sexual harassment, including sufficient details known at the time. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct allegedly constituting the sexual harassment; and the date and location of the alleged incident.
  - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX process.
  - d. A statement reminding the Respondent that they have the right to file a report or Formal Complaint with the Title IX Coordinator; however, both Parties are advised that retaliation against any Party is prohibited.
  - e. A statement notifying the Parties of the availability of Supportive Measures.
  - f. A statement notifying the Parties of their right to have an Advisor of their choice, who may be, but is not required to be, an attorney. The Parties will be advised that if they do not have an Advisor to conduct cross-examination at a hearing on their behalf, the University will appoint such an Advisor; this Advisor may be, but is not required to be, an attorney. (This provision does not apply to matters proceeding under the process for Academic Medical Centers set forth in Section R).
  - g. A statement notifying the Parties that they may have a Support Person selected by a Party accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process. A Support Person may not attend a hearing under the Title IX process unless also serving as a Party's Advisor.
  - h. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and including inculpatory and exculpatory evidence whether obtained from a Party or other source.
  - i. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the Title IX process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.
  - j. A statement that nothing in the Title IX process is intended to supersede nor expand any rights the individual may have

under applicable state or federal statutory laws or the U.S. Constitution.

- k. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Title IX Coordinator an alternate method of notification. If a Party does not have a University-issued email account, all notices will be via U.S. Mail unless they provide the Title IX Coordinator with a preferred method of notification.
2. The Notice of Allegations will be made in writing to the Parties by email to the Party's University-issued email account, with a read-receipt. If a read-receipt is not returned within one (1) business day or the Party does not have a University-issued email account, the Notice of Allegations shall be sent via U.S. Mail postage pre-paid to the last known address of the Party. Notice also may be provided in person to either Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual, or 3) when mailed.

**H. Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. These measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter sexual harassment. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The Title IX Coordinator is responsible for the effective implementation of Supportive Measures. Supportive Measures may include:

1. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
2. Mutual restrictions on contact between the Parties.
3. Providing campus escort services to the Parties.
4. Increased security and monitoring of certain areas of the campus.
5. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
6. If either Party is a student:
  - a. Referral of that Party to academic support services and any other services that may be beneficial to the Party.
  - b. Adjusting the courses, assignments, and/or exam schedules of the Party.
  - c. Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
7. Providing limited transportation accommodations for the Parties.
8. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
9. Implementing an Emergency Removal of a Respondent from the University's education program or activity on an emergency basis, if the Title IX Coordinator, after conducting an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any



student or other individual arising from the allegations of sexual harassment, justifies removal.

- a. In all cases in which an Emergency Removal is imposed, the Respondent will immediately be given notice and an opportunity to challenge the decision of the Title IX Coordinator either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days, to show cause why the removal should not be implemented. Any such challenge shall be made in writing and directed to the Title IX Coordinator who will forward such challenge to the Emergency Removal Appeal Individual/Committee, which will make a final decision on removal within three (3) business days.
  - b. Violation of an Emergency Removal under this policy may be grounds for discipline.
10. Suspending, on an interim basis, a 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 Title IX Process when the 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.
  11. Implementing an administrative leave for an employee in accordance with University Human Resources Policies. Administrative leave for an employee is not an Emergency Removal under this policy.

**I. Employees and Students Participating in the Title IX 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 but not limited to the Investigator, Title IX Coordinator, the Hearing Panel and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence provided in this process, including but not limited to the Investigator, Title IX Coordinator, Hearing Panel and/or the Equity Resolution Appellate Officer, by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to the provisions of CRR 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 Party or witness to participate in the process. The fact that a determination has been made that a Respondent has or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.

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.

#### **J. Rights of the Parties in the Title IX Process**

1. To be treated with respect by University officials.
2. To be free from retaliation.
3. To have access to University support resources (such as counseling and mental health services and University health services).
4. To request a no contact directive between the Parties.
5. To have a Support Person of the Party's choice accompany the party to all interviews and meetings (excluding hearings) throughout the Title IX Process.
6. To refuse to have an allegation resolved through the Informal Resolution Processes.
7. To receive prior to a hearing or other time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
8. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
9. To have Formal Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of this process or limited extension of time frames for good cause which may include considerations such as the absence of a Party, a Party's Advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
11. To be informed of the finding, rationale, sanctions and remedial actions.
12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13. To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint, and appeal the determination of a Hearing Panel or other decision-maker.
14. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.030.H.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Title IX Coordinator.
15. Additional Rights for Hearing Panel Resolution:
  - a. To receive notice of a hearing.
  - b. To have the names of witnesses who may participate in the hearing and copies of all documentary evidence gathered in the course of the investigation and any investigative report prior to the hearing.
  - c. To be present at the hearing, which right may be waived by either written notification to the Hearing Officer or by failure to appear.
  - d. To have present an Advisor during the hearing and to consult with such Advisor during the hearing, and have the Advisor conduct cross-examination and other questioning on behalf of the Party at the hearing.
  - e. To have an Advisor of the University's selection appointed for a Party where the Party does not have an Advisor of their own choice at a hearing.
  - f. To testify at the hearing or refuse to testify at the hearing; however, if a Party or witness fails to submit to cross-examination at the hearing, the Hearing Panel shall not rely on any statement of that Party or witness in reaching

a determination regarding responsibility. The Hearing Panel shall not draw any inference about the determination regarding responsibility based solely on a Party's or witness's failure to submit to cross-examination.

- g. To have an equal opportunity to present and question witnesses, including fact and expert witnesses, and present relevant evidence.
  - h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.
16. Additional Rights for Academic Medical Center Process:
- a. To receive notice of the meeting with the decision-maker.
  - b. To submit written, relevant questions that a Party wants asked of any Party or witness and to be provided with the answers to such questions.
  - c. To be allowed additional, limited follow-up questions.

#### K. Role of Support Persons and Advisors.

1. **Support Persons.** Each Complainant and Respondent is allowed to have one Support Person of their choice present with them for all Title IX Process interviews and meetings. The Parties may select whomever they wish to serve as their Support Person, including an attorney or parent. The Support Person may also act as the Party's Advisor. If requested by a student Party, the Title IX Coordinator may assign a Trained Support Person to explain the Title IX process and attend interviews and meetings with a Party. University Trained Support Person(s) are administrators, faculty, or staff at the University trained on the Title IX Process. A Trained Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as a Trained Support Person.
2. **Advisors.** Each Party may have an Advisor of their choice present at the hearing to conduct cross-examination and other questioning for that Party. A Party may not directly question any other Party or any witness; all cross-examination and other questioning on behalf of a Party must be conducted by their Advisor. The Advisor may be, but is not required to be, an attorney. If a Party does not have an Advisor of their choice present at the hearing, the University will provide, without fee or charge to that Party, an Advisor of the University's choice to conduct cross-examination and other questioning on behalf of that Party. The Parties may not require that the assigned Advisor have specific qualifications such as being an attorney. At the hearing, a Party's Advisor may ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. An Advisor may conduct cross-examination and other questioning for a Party, and object to questions on limited grounds as specified in the Rules of Decorum. The Advisor may not make a presentation or otherwise represent the Complainant or the Respondent during the hearing. The Advisor may consult with the Party quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the Party, other than to conduct cross-examination or other questioning for the Party. Advisors who do not follow the Rules of Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Officer.

**L. Investigation.** If a Formal Complaint is filed, then the Title IX Coordinator will promptly appoint a trained Investigator or a team of trained Investigators to investigate.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University.

For purposes of the Investigation, the University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so for use in the Title IX process.

The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. The Parties may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; all such evidence must be relevant.

A Party whose participation is expected or invited at a hearing, interview or other meeting, shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

The Parties may be accompanied to any related meeting or interview by a Support Person of their choice, who may be, but is not required to be, an attorney; however, the Support Person may only participate in the proceedings as set forth in this policy.

The Parties shall be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching any determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source and copies of recordings of all interviews conducted during the investigation, in sufficient time for the Parties to meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the University will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the Parties will have ten (10) business days to submit a written response to the Investigator, which the Investigator will consider prior to completion of the investigative report.

The final investigative report will fairly summarize the relevant evidence, and prior to a hearing or other time of determination regarding responsibility, the investigator will send to each Party and the Party's Advisor, if any, the final investigative report in an electronic format or a hard copy, for their review and written response. If a written response is received from either Party, that response will be shared with the other Party and their Advisor, if any.

All investigations will be thorough, reliable and impartial. All interviews shall be recorded. In the event that recording is not possible due to technological issues, the investigator shall take thorough notes and such notes shall be provided to the Parties in lieu of recordings. The investigator shall document the reason the recording was not possible and such documentation shall become part of the Record of the Case.

The investigation of reported sexual harassment should be completed expeditiously, normally within thirty (30) business days of the filing of the Formal Complaint. Investigation of a Formal Complaint may take longer based on the nature and circumstances of the Formal Complaint.

**M. Impact of Optional Report to Law Enforcement.** 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. However, 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 such charges have been dismissed or reduced.

The Title IX Coordinator will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Title IX process. However, a Title IX investigation and resolution process may be temporarily delayed for good cause, which can include concurrent law enforcement activity. In such instances, written notice of the delay or extension with reasons for the action will be sent to each Party.

If delayed, the Title IX Coordinator will promptly resume the 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 supportive measures during the law enforcement agency's investigation period to provide for the safety of all Parties, the University community and the avoidance of retaliation or sexual harassment.

**N. Dismissal of a Formal Complaint.** During or upon the completion of the investigation, the Title IX Coordinator will review the Formal Complaint and the investigative report, if available, to determine if the Formal Complaint is subject to dismissal. A Formal Complaint shall be dismissed: (1) if the conduct alleged in the Formal Complaint would not constitute sexual harassment, as defined in CRR 600.020 even if proved; (2) the conduct alleged in the Formal Complaint did not occur in the University's education program or activity, or (3) the conduct alleged in the Formal Complaint did not occur against a person in the United States. A dismissal under this provision does not preclude action under other applicable University processes.

A Formal Complaint or any allegations therein, may be dismissed at any time during the investigation or hearing if (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed by the University; or (3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

Upon a dismissal required or permitted under this provision, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties. Either Party may appeal a dismissal as set forth in Section U herein.

If the Title IX Coordinator determines there is a sufficient basis to proceed with the Formal Complaint, then the Title IX Coordinator will direct the process to continue. The Formal Complaint will then be resolved through Informal Resolution or Hearing Panel Resolution, or the Academic Medical Center (AMC) Process, if applicable.

**O. Informal Resolution.** Upon the filing of a Formal Complaint, the Parties may choose to engage in Informal Resolution. The decision of the Parties to engage in Informal Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Informal Resolution

as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Parties are not required to waive their right to an investigation of a Formal Complaint or a right to a hearing process, or AMC Process, if applicable. At any time prior to agreeing to (or in Administrative Resolution, rendering of) a final resolution, any Party has the right to withdraw from the Informal Resolution process and the matter will be referred back for further investigation and/or hearing as may be applicable.

Informal Resolution is never available to resolve allegations that an employee sexually harassed a student.

In Informal Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster a dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Support Persons may attend the Informal Resolution meeting. The Parties will abide by the terms of the agreed-upon resolution. Failure to abide by the terms of the agreed-upon resolution may be referred to the Title IX Coordinator for review and referral to the appropriate University Process for discipline or sanctions. The Title IX Coordinator will keep records of any Informal Resolution that is reached.

In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred back for further investigation and/or hearing as may be applicable. The content of the Parties' discussions during the Informal Resolution Process will be kept confidential in the event the matter proceeds to the hearing process. The Parties' agreement to participate, refusal to participate in, or termination of participation in Informal Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

Among the resolutions which may be reached at this stage, the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the 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 Title IX Process.

**P. Procedural Details for Administrative Resolution.** The Parties may mutually choose to participate in a type of Informal Resolution called Administrative Resolution. The Administrative Resolution process is not available where a student has alleged that an employee sexually harassed the student. The Administrative Resolution process is not available to Academic Medical Centers (AMC).

The Administrative Resolution process is a process whereby the decision-maker will meet separately with the Parties and their Support Person, if any, and consider the evidence provided by the investigator, including the investigative report, and evidence provided by the Parties, and will make a determination of responsibility that is binding on both Parties.

The decision of the Parties to participate in Administrative Resolution must be voluntary, informed and in writing provided to the investigator, and must include a knowing written waiver of their right to a hearing under the Title IX process. However, either Party may choose to leave the process and opt for a hearing at any time before a final determination has been rendered. In addition, the following will apply to the Administrative Resolution process:

1. The standard of proof will be "preponderance of the evidence," defined as determining whether the evidence shows it is more likely than not that a policy violation occurred.

2. The decision-maker 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. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - 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 Party'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.
  - d. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
  - e. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
3. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers to such questions will be shared with the requesting Party.
4. At any time prior to a final determination being rendered, the Complainant and/or the Respondent may request that the Formal Complaint shift from the Administrative Resolution Process to the Hearing Panel Resolution Process. Upon receipt of such timely request from either Party, the Formal Complaint will shift to the Hearing Panel Resolution Process.
5. The Administrative Resolution process will normally be completed within sixty (60) business days of the decision-maker's receipt of the Formal Complaint. Deviations from this timeframe will be promptly communicated to both Parties.
6. For good cause, the decision-maker in the Administrative Resolution Process may, in their discretion, grant reasonable extensions to the time frames and limits provided.
7. The Administration Resolution process consists of:
  - a. A prompt, thorough and impartial investigation;
  - b. A separate meeting with each Party and their Support Person, if any, and the decision-maker;
  - c. A written finding by the decision-maker on each of the alleged policy violations;
  - d. A written finding by the decision-maker on sanctions and remedial actions for findings of responsibility; and
  - e. The decision-maker shall be as follows:
    - (1) For Student or Student Organization Respondents and Staff Respondents, the decision-maker will be the Title IX Coordinator;
    - (2) For Faculty Respondents, the decision-maker will be as follows:
      - (a) The Title IX Coordinator will act as decision-maker and make recommendation(s) on findings of responsibility and sanctions and remedial actions, if applicable, to the Provost who will be the final decision-maker.
      - (b) The Title IX Coordinator has the option to request that a designee from the Provost's office act as decision-maker in Administrative Resolution and make recommendation(s) regarding findings of responsibility and sanctions and remedial actions, if applicable, to the Provost who will be the final decision-maker.
8. At least fifteen (15) business days prior to meeting with the decision-maker or if no meeting is requested, at least fifteen (15) business days prior to the decision-maker rendering a finding(s), the Title IX Coordinator or Provost's designee, if applicable, 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. The name of the decision-maker.
  - c. Reference to or attachment of the applicable procedures.
  - d. A copy of the final investigative report.
  - e. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-maker.
  - f. An indication that the Parties may have the assistance of a Support Person of their choosing at the meeting, though the Support Person's attendance at the meeting is the responsibility of the respective Parties.
9. The sanctions of expulsion and termination are not available sanctions under the Administrative Resolution process in this Policy. Further, any suspension of a student under this Administrative Resolution process shall not exceed two (2) years. Any suspension of an employee



under this Administrative Resolution process may be without pay, but may not exceed ten (10) business days.

10. The decision-maker can, but is not required to, meet with and question the Investigator and any identified witnesses. The decision-maker may request that the Investigator conduct additional interviews and/or gather additional information. The decision-maker will meet separately with the Complainant and the Respondent, and their Support Person, if any, 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 decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the decision-maker will render a finding using the preponderance of the evidence standard. The decision-maker will also determine appropriate sanctions or remedial actions.
11. The decision-maker will inform the Respondent and the Complainant simultaneously of the finding on each of the alleged policy violations and the finding of sanctions, if applicable, in writing by email to the Party's University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
12. Either Party may appeal a decision under Administrative Resolution in accordance with Section U of this policy.

**Q. Hearing Panel Resolution.** This process is not available for Academic Medical Centers. See Section R.

1. **Equity Resolution Hearing Panelist Pool.** Each University will create and annually train a pool of not less than five (5) faculty and five (5) administrators and/or staff to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel pool members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Pool members are selected by the Chancellor (or Designee) and serve a renewable one-year term. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University. The Chancellor (or Designee) will select a Hearing Panelist Pool Chair ("Pool Chair"). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal 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 Title IX Coordinator. Under such circumstances, the 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. **Title IX Hearing Panel ("Hearing Panel").** When a Formal Complaint is not resolved through an Informal Resolution process, the Hearing Panelist Pool Chair will randomly select two (2) members from the Hearing Panelist Pool to serve on the specific Hearing Panel together with the Hearing Officer. A good faith attempt will be made for the Hearing Panel to 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 University reserves the right to have its attorney present during the hearing and during deliberations to advise the Hearing Panel.
3. **Notice of Hearing.**
  - a. At least twenty (20) business days prior to the hearing, the Title IX Coordinator will send a letter (Notice of Hearing) 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) A description of the applicable procedures.
    - (3) A statement that the Parties may have the assistance of an Advisor of their choosing, at the hearing; that the Party's Advisor will conduct all cross-examination and other questioning of the other Party and all witnesses on behalf of the Party they are advising; that if the Party does not have an Advisor, an Advisor will be provided by the University for the purpose of conducting cross-examination and other questioning for that Party; and the Advisor may be, but is not required to be, an attorney.
    - (4) The time, date and location of the hearing.
    - (5) A list of the names of each of the Hearing Panel members, including the Hearing Officer, and alternates, and information on how to raise an objection to any member of the Hearing Panel and the timeline in which to raise any objections.
    - (6) A copy of the final investigative report and exhibits.
    - (7) Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations including inculpatory and exculpatory evidence, is available to the Parties and instructions regarding how to request access to that evidence.
    - (8) Notice that if a Party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.
    - (9) Notice that the Parties may request a virtual hearing and/or any necessary accommodations.
  - b. The Notice of Hearing letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when:
    - 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
4. **Pre-Hearing Witness List and Documentary Evidence.**
  - a. At least fifteen (15) 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 that a Party intends to call or use at the hearing.

- b. At least ten (10) business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.
- c. 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 attempted 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.

**5. Objection to or Recusal of Hearing Panel Member.**

- a. Hearing Panel members, including the Hearing Officer, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a Hearing Panel member or Hearing Officer feels that they have a conflict of interest or bias, or cannot make an objective determination, they must recuse themselves from the proceedings in advance of the hearing.
- b. The Parties will have been given the names of the Hearing Panel members, including the Hearing Officer, in the Notice of Hearing. Should any Complainant or Respondent object to any panelist, they must raise all objections, in writing, to the Title IX Coordinator at least fifteen (15) business days prior to the hearing.
- c. Hearing Panel members will only be unseated and replaced if the Title IX Coordinator 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 Hearing Panel member's involvement could impact the Party's work or learning environment due to current or potential interactions with the Hearing Panel member (e.g., a panel member being in the same department as either Party). If the Title IX Coordinator determines that a Hearing Panel member, other than the Hearing Officer, should be unseated and replaced, then Title IX Coordinator will ask the Hearing Panel Pool Chair to randomly select another member from the pool to serve on the Hearing Panel. The Title IX Coordinator will select an alternate Hearing Officer if they determine that the Hearing Officer should be replaced. The Title IX Coordinator will provide a written response to all Parties addressing any objections to the Hearing Panel members, including the Hearing Officer.

- 6. Alternative Attendance or Questioning Mechanisms.** All hearings will be live. However, at the request of either Party or by the University's designation, the live hearing may occur with the Parties located in separate rooms with technology enabling the Hearing Panel, including the Hearing Officer, and their legal advisor, if any, the Parties and their Advisors, and the Investigator, to simultaneously see and hear the Party or the witness answering questions. Should any hearing take place in this manner, the Title IX Coordinator (or Designee) shall be in charge of the technology during the hearing. The University will make reasonable accommodations for the Parties in keeping with the principles of equity and fairness.

- 7. Requests to Reschedule the Hearing Date.** For good cause, the Title IX Coordinator may grant requests to reschedule the hearing date.

**8. Pre-Hearing Matters.**

- a. At least ten (10) business days prior to the hearing date, a Party shall inform the Title IX Coordinator whether the Party intends to bring an Advisor of their choice to the hearing.
- b. At least ten (10) business days prior to the hearing date, a Party shall inform the Title IX Coordinator whether the Party is requesting accommodations for the hearing.
- c. At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the Hearing Panel members.

- 9. Pre-Hearing Meeting.** Unless otherwise agreed by the Parties and the Hearing Officer, a pre-hearing meeting may be scheduled one hour prior to the start of the hearing between the Hearing Officer and Parties' Advisors. Parties may, but are not required to, be in attendance at this meeting.

- 10. Conduct of Hearing.** The Hearing Officer shall participate on the Hearing Panel and 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 the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted and establish the presence of any Advisors.

- a. **Order of Evidence.** The order of evidence shall generally be the following:

(1) The Complainant will proceed first and may give a verbal statement of their allegations of sexual harassment against the Respondent. The Hearing Panel may next ask questions of the Complainant. The Complainant will then be subject to cross-examination by the Advisor of the Respondent. The Complainant may also call witnesses who will be subject to questioning by the Advisor of the Complainant, questioning by the Hearing Panel, and cross-examination by the Advisor of the Respondent. The Complainant may also submit documentary evidence.

(2) The Respondent will proceed next and may give a verbal statement in response to the allegations of sexual harassment made by the Complainant. The Hearing Panel may next ask questions of the Respondent. The Respondent will be subject to cross-examination by the Advisor of the Complainant. The Respondent may also call witnesses who will be subject to questioning by the Advisor of the Respondent, questioning by the Hearing Panel, and cross-examination by the Advisor of the Complainant. The Respondent may also submit documentary evidence.

(3) The Investigator will then be available to answer questions of the Hearing Panel. The Investigator will next be subject to cross-examination by the Advisors of the Complainant and the Respondent. The Investigator may also call witnesses who will be subject to questioning by the Hearing Panel, and cross-examination by the Advisors of the Complainant and Respondent. The Investigator may also submit documentary evidence.

(4) The Hearing Panel may ask questions of the Parties or any witnesses including the Investigator at any time during the hearing.

- b. **Record of Hearing.** The Title IX Coordinator shall arrange for an audio or audiovisual recording of the hearing. The recording of the hearing will become part of the Record of the Case.

#### 11. Hearing Process Rules.

- a. The formal rules of evidence shall not apply to any live hearing.
- b. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- c. 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 Party's character is of limited utility and shall not be admitted unless deemed relevant by the Hearing Officer.
- d. Incidents or behaviors of a Party 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 a Party that shows a pattern may be considered only if deemed relevant by the Hearing Officer.
- e. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
- f. The Hearing Officer shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- g. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Hearing Officer, whose ruling shall be final.
- h. A Party's Advisor will be permitted to ask the other Party and any witnesses relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Where the Hearing Officer permits a question to be answered, a presumption shall be made that the Hearing Officer determined that the question was relevant.
- i. If a Party or witness does not submit to cross-examination at a hearing, the Hearing Panel must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.
- j. The Party's Advisors may object to questions on limited grounds as specified in the Rules of Decorum. The Hearing

Officer will rule on such objections and that ruling shall be final.

- k. The Hearing Officer may dismiss any person from the hearing who interferes with or obstructs the hearing, fails to adhere to the Rules of Decorum, or fails to abide by the rulings of the Hearing Officer.

- l. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Hearing Officer, whose ruling shall be final.

#### 12. Findings of the Hearing Panel.

- 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 Hearing 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 Hearing Panel, the Hearing Panel will determine appropriate sanctions and remedial actions by a majority vote.
- b. The Hearing Officer will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions, if any ("Hearing Panel Decision"), and deliver it to the Title IX Coordinator detailing the following:
  - (1) Identification of the allegations potentially constituting sexual harassment as defined in CRR 600.020;
  - (2) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence and hearings held;
  - (3) Findings of fact supporting the determination;
  - (4) Conclusions regarding the application of the University's Title IX Policies to the facts;
  - (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education programs or activities will be provided by the University to the Complainant; and
  - (6) The procedures and permissible bases for the Complainant and the Respondent to appeal.
- c. The Hearing Panel Decision should be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations. Deviations from the five-day period will be communicated by the Hearing Officer to the Parties and the Title IX Coordinator, along with an expected time for completion. The Hearing Panel Decision will be provided to the Title IX Coordinator who will provide it to the Parties simultaneously within five (5) business days of receipt of the decision.
- d. The Hearing Panel Decision will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when:
  - 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.

- e. The Hearing Panel Decision will become final either on the date that the Parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- f. The Title IX Coordinator is responsible for effective implementation of any remedies.

#### R. Process for Academic Medical Centers (AMC)

1. Academic Medical Centers at the University of Missouri are not required to provide for a live hearing, but rather must adhere to the following process for resolving Formal Complaints alleging Title IX violations.
2. The decision-maker(s) for the Title IX Process for Academic Medical Centers shall be a neutral, impartial, and unbiased decision-maker designated by the Executive Vice Chancellor for Health Affairs.
3. **Notice of AMC Meeting.** The decision-maker will meet separately with each Party. At least fifteen (15) business days prior to the initial meeting with the decision-maker, the Title IX Coordinator will send a letter (Notice of AMC Meeting) 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. A description of the applicable procedures.
  - c. A statement that the Parties may be accompanied by a Support Person of their choosing at the AMC Meeting.
  - d. The time, date and location of the AMC Meeting.
  - e. The name of the decision-maker, and information on how to raise an objection to the decision-maker and the timeline in which to raise any objections.
  - f. A copy of the investigative report and exhibits.
  - g. Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations, including inculpatory and exculpatory evidence, is available to the Parties and how to request access to that evidence.
4. The Notice of AMC Meeting letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when:
  - 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
5. At least fifteen (15) business days prior to the initial AMC Meeting, the Investigator will provide to the Parties access to all evidence gathered in the investigation which is directly related to the allegations in the Formal Complaint, including any evidence upon which the Investigator does not intend to rely, and inculpatory and exculpatory evidence whether obtained from a Party or other source, copies of recordings of all interviews conducted during the investigation, and a copy of any investigative report.
6. At least ten (10) business days prior to the initial AMC Meeting, the Complainant and Respondent may provide the decision-maker with written, relevant questions the Party wants asked of any Party or witness. At least five (5) business days prior to the initial AMC Meeting, the decision-maker will provide each Party with the answers, and allow for additional, limited follow-up questions from each Party. The decision-maker must explain to the Party proposing the questions any decision to exclude a question as not relevant. The Parties may also provide the decision-maker with documentary evidence.
7. No employee or student, directly or through others, should take any action which may interfere with the investigation or the AMC process. Employees and students are prohibited from attempted 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.
8. The decision-maker shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a decision-maker feels that they have a conflict of interest or bias, or cannot make an objective determination, they must recuse themselves from the proceedings in advance of the AMC meeting.
9. At least ten (10) business days prior to the initial AMC Meeting, the Parties shall provide to the Title IX Coordinator all objections in writing to the decision-maker identified in the Notice of AMC Meeting. If the Title IX Coordinator determines that the decision-maker should be replaced, the Title IX Coordinator will select an alternate decision-maker. The Title IX Coordinator will provide a written response to all Parties addressing the objections.
10. Questions and evidence about the Complainant's predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
11. 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 Party's character is of limited utility and shall not be admitted unless deemed relevant by the Hearing Officer.
12. Incidents or behaviors of a Party 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 a Party that shows a pattern may be considered only if deemed relevant by the Hearing Officer.
13. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
14. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.



15. All meetings between the decision-maker and Parties and/or witnesses shall be recorded.
16. Within ten (10) business days of the last meeting with any Party or witness, the decision-maker must issue a written determination regarding responsibility, applying the preponderance of the evidence standard of evidence. The written determination must include:
  - a. Identification of the allegations potentially constituting sexual harassment as defined in CRR 600.020.
  - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and meetings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the Title IX policies to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether any remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
  - f. The University's procedures and permissible bases for the Complainant and Respondent to appeal as set forth in Section U.
17. The written determination will be provided to the Title IX Coordinator, who will provide it to the Parties simultaneously within five (5) business days of receipt of the determination. Notification will be made in writing and sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
18. The determination becomes final either on the date that the University provides the Parties with the written determination of the result of the appeal, if any appeal is filed, or if any appeal is not filed, the date on which an appeal would no longer be considered timely.
19. The Title IX Coordinator is responsible for effective implementation of any remedies.
  - (2) The disciplinary history of the Respondent;
  - (3) The need for sanctions/remedial actions to bring an end to the conduct;
  - (4) The need for sanctions/remedial actions to prevent the future recurrence of the conduct; and
  - (5) The need to remedy the effects of the conduct on the Complainant and the University community.

2. **Types of Sanctions.** The following sanctions may be imposed upon any Respondent found to have violated the University's Title IX Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to the following:

a. **For Respondents who are Student(s) or Student Organization(s):**

- (1) **Warning.** A notice in writing to the Respondent that there is or has been a violation of institutional regulations, and cautioning that if there are further violations, the existence of the Warning may result in more severe sanctions in the future.
- (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 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.
- (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 a specific University 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 System Suspension.** Separation of the Respondent from the University System for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
- (10) **Withdrawal of Recognition.** Respondent Student Organization loses its Official Approval as a recognized student organization. May be either temporary or permanent.
- (11) **University System Expulsion.** Permanent and complete separation (i.e., not eligible for online courses either) of the Respondent from the University System.

b. **For Respondents who are Employee(s):**

- (1) Warning – verbal or written;

## S. Sanctions and Remedial Actions.

1. If the Respondent is found responsible for a violation of the University's Title IX Policies, the Hearing Panel, or the decision-maker in the Administrative Resolution Process or Academic Medical Center Process, will determine sanctions and remedial actions. The 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) 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;
- (11) Non-renewal of appointment;
- (12) For Regular, Tenured Faculty, suspension without 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;
- (13) For Staff, Demotion;
- (14) For Staff, Termination.

- c. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Title IX 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 Title IX Policies.

- d. **When Implemented.** Sanctions will be imposed once the written determination regarding responsibility becomes final; the determination regarding responsibility is final either on the date that the Parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**T. Withdrawal While Charges Pending.** Should a Respondent decide to resign employment, or 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 Title IX Coordinator, the Formal Complaint may be dismissed, or the Title IX Coordinator may determine that 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.

#### U. Appeal.

1. **Grounds for Appeal.** Both Complainant and Respondent are allowed to appeal the dismissal of a Formal Complaint or any of the allegations therein, or the findings of the Administrative Resolution Process, the Hearing Panel Resolution Process, or the Academic Medical Center process. Appeals are limited to the following:
  - a. A procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures, etc.);
  - b. To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
  - c. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
  - d. 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 appeal a dismissal of a Formal Complaint or any allegations therein, or a determination regarding responsibility to the Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; if the Equity Resolution Appellate Officer does not believe that they can make an objective decision about an appeal, they should recuse themselves and the Chancellor (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within five (5) business days of the delivery of the notice of dismissal or Administrative Resolution Decision, Hearing Panel Decision, or AMC Determination. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal.
3. **Response to Request for Appeal.** Within five (5) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party 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) to determine whether:
  - a. The request is timely, and
  - b. The appeal is on the basis of any of the articulated grounds listed above,

- 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 fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) 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 in paragraph 4 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 Formal 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 Case, and relevant documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.
- b. The Equity Resolution Appellate Officer will 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.
- c. 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.

**V. Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions and remedial actions within the timeframe specified. Failure to follow through on these sanctions and remedial actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and remedial actions and/or suspension, expulsion, termination, referral to Dismissal for Cause process, or withdrawal of recognition from the University. Suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**W. 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.

**X. Records.** In implementing this policy, records of all Formal Complaints, the Hearing Process or Academic Medical Center Process, and resolutions (including Informal resolution and result therefrom), will be kept by the Title IX Coordinator. For the purpose of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for seven (7) years following final resolution.

In addition, a record of the response to all complaints of sexual harassment, must be maintained for a period of seven (7) years, including records of any actions, including Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education programs or activities. If the University did not provide a Complainant with Supportive Measures, the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Each Title IX Coordinator, including the Title IX Coordinator for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a Formal Complaint for that university/ academic medical center, and will report such data on an annual basis to the President of the University of Missouri. Additionally, statistical data relating to each university in the University of Missouri System shall be reported on an annual basis to that university's Chancellor and chief officers for human resources, student affairs, and diversity, equity and inclusion; the academic medical center shall report such statistical data for the academic medical center on an annual basis to the Executive Vice-Chancellor for Health Affairs. Data relating to the University of Missouri System shall be reported on an annual basis to the University of Missouri System's chief officers for human resources, student affairs, and diversity, equity and inclusion.

**Y. Retaliation.** No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed with the Equity Officer in accordance with CRRs 600.010, 600.040, and 600.050.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Charging an individual with a policy violation for making a materially false statement in bad faith in the course of the any proceedings under this policy does not constitute retaliation provided, however that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

## 600.020 Sex Harrassment under Title IX - for matters involving conduct alleged to have occurred on or after August 14, 2020

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 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

**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

Jessica Swederske  
Title IX Coordinator and Chief Equity Officer  
240 JCPenney  
St. Louis, MO 63121  
**Telephone:** 314-516-5748

**Email:** swederskej@umsl.edu  
<http://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

### E. Requests for Confidentiality or Not to Pursue an Investigation

**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, 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)

## Resolution Processes for Resolving Complaints of Discrimination and Harassment

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 and Harassment against a Faculty Member or Student or Student Organization - for matters involving conduct alleged to have occurred on or after August 14, 2020
3. Section 600.050 – Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri - for matters involving conduct alleged to have occurred on or after August 14, 2020