Student Conduct and Title IX Policies

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

Code of Student Conduct


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.

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. Consequently, students must adhere to community standards in accordance with the University’s mission and expectations.

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

A. Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to the imposition of sanctions under Sections 200.020 and 200.025 of the Collected Rules and Regulations against students for conduct occurring in other settings, including off-campus, in order to protect the physical safety of students, faculty, staff, and visitors or if there are effects of the conduct that interfere with or limit students’ ability to participate in or benefit from the University’s educational programs and activities.

B. Conduct for which students are subject to sanctions falls into the following categories:

1. Academic dishonesty, such as cheating, plagiarism, or sabotage. The Board of Curators recognizes that academic honesty is essential for the intellectual life of the University. Faculty members have a special obligation to expect high standards of academic honesty in all student work. Students have a special obligation to adhere to such standards. In all cases of academic dishonesty, the instructor shall make an academic judgment about the student's grade on that work and in that course. The instructor shall report the alleged academic dishonesty to the Primary Administrative Officer.

   a. The term cheating includes but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests, or examinations; (ii) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) acquisition or possession without permission of tests or other academic material belonging to a member of the University faculty or staff; or (iv) knowingly providing any unauthorized assistance to another student on quizzes, tests, or examinations.

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

   c. The term sabotage includes, but is not limited to, the unauthorized interference with, modification of, or destruction of the work or intellectual property of another member of the University community.

2. Forgery, alteration, or misuse of University documents, records or identification, or knowingly furnishing false information to the University.

3. Obstruction or disruption of teaching, research, administration, conduct proceedings, or other University activities, including its public service functions on or off campus.

4. Physical abuse or other conduct which threatens or endangers the health or safety of any person.

5. Stalking another by following or engaging in a course of conduct with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

6. Violation of the University’s Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected Rules and Regulations. These violations include, but are not limited to:

   a. Harassment. Harassment in violation of the University’s anti-discrimination policies, is unwelcome verbal or physical conduct, on the basis of actual or perceived membership in a protected class as defined in the University’s anti-discrimination policies, that creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

   b. Sex Discrimination, Sexual Harassment and Sexual Misconduct as further defined in Section 600.020 and/or referenced in Section 200.010B7 below.

   c. Bullying. Bullying is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.

   d. Retaliation. Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination in violation of the University’s Equal Employment/Education Opportunity Policy.

   e. False Reporting. False reporting is making an intentional false report or accusation as opposed to a report or accusation, which, even if erroneous, is made in good faith.

7. Violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment
Policy in Section 600.020 of the Collected Rules and Regulations. These violations include:

a. **Sex Discrimination.** Sex discrimination occurs when a person has been treated inequitably on the basis of sex, gender identity, or gender expression. Specifically, the University of Missouri System upholds Title IX, which states in part that “no person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.” Sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence are forms of sex discrimination.

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

c. **Sexual Misconduct.** Sexual misconduct is: 1) nonconsensual sexual intercourse; 2) nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing; 3) exposing one's genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause alarm; or 4) sexual exploitation.

d. **Stalking on the Basis of Sex.** Stalking on the basis of sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

e. **Dating/Intimate Partner Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.

f. **Sexual Exploitation.** Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
   i. Invasion of sexual privacy;
   ii. Prostitution another person;
   iii. Taping or recording of sexual activity;
   iv. Going beyond the boundaries of consent to sexual activity (letting your friends hide to watch you engaging in sexual activity);
   v. Engaging in voyeurism;
   vi. Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
   vii. Inducing another to expose their genitals.

g. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by Section 600.020 of the Collected Rules and Regulations, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct.

h. **False Reporting.** False reporting is making an intentional false report or accusation as opposed to a report or accusation, which, even if erroneous, is made in good faith.

8. **Threatening or Intimidating Behaviors,** defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property or implied threats or acts that cause a reasonable fear of harm in another.

9. **Participating in attempted or actual taking of, damage to, or possession without permission of property of the University or of a member of the University community or of a campus visitor.**

10. **Unauthorized possession, duplication or use of keys to any University facilities or unauthorized entry to or use of University facilities.**

11. **Violation of University policies, rules or regulations or of campus regulations** including, but not limited to, those governing residence in University-provided housing, or the use of University facilities, or the time, place and manner of public expression.

12. **Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license or as expressly permitted by law or University regulations,** including operating a vehicle on University property, or on streets or roadways adjacent to and abutting a campus, under the influence of alcohol or a controlled substance as prohibited by law of the state of Missouri.

13. **Disruptive conduct.** Conduct that creates a substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities that occur on campus.

14. **Failure to comply with directions of University officials acting in the performance of their duties.**

15. **The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.**

16. **Hazing,** defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy.

17. **Misure of computing resources in accordance with University policy,** including but not limited to:
   a. Actual or attempted theft or other abuse.
   b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
   c. Unauthorized transfer of a file.
B. Definitions. As used in these rules, the following definitions shall apply:

Discrimination against a Student or Student Organization.

Complaints of Harassment, Sexual Misconduct and other Forms of conduct governing of the University of Missouri. Student conduct involving harassment or discrimination is determined and enforced in accordance with Section 200.025, which is Article V of the Bylaws of the University of Missouri Computing System. The procedures shall be definite and determinable within the University of Missouri, and (c) that the University computing system is an essential element of campus life.

A. Preamble. The following rules of procedure in student conduct matters are hereby adopted in order to secure insofar as possible and practicable (a) that the requirements of procedural due process in student conduct proceedings will be fulfilled by the University, (b) that the immediate effectiveness of Section 10.030, which is Article V of the Bylaws of the Board of Curators relating to student conduct and sanctions may be secured for all students in the University of Missouri, and (c) that procedures shall be definite and determinable within the University of Missouri. Student conduct involving harassment or discrimination is governed by Section 200.025: Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization.

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

1. Primary Administrative Officers. As used in these procedures, the Chief Student Affairs Administrator on each campus is the Primary Administrative Officer except in cases of academic dishonesty, where the Chief Academic Administrator is the Primary Administrative Officer. Each Primary Administrative Officer may appoint designee(s) who are responsible for the administration of these conduct procedures, provided such appointments must be in writing, 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 Panel. A panel of students appointed by the Chancellor, from which shall be selected by the Chair, upon the request of an accused student before the Student Conduct Committee, not more than three students to serve with the Student Conduct Committee.

3. Student. A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the campuses of the University. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.

4. Student 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.

5. Hearing Panel. As used in these procedures, the term “hearing panel” refers to the part of the Student Conduct Committee described in Section 200.020E.3(b) below.

C. Sanctions.

1. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code; more than one of the sanctions may be imposed for any single violation:

a. Warning. A notice in writing to the student that the student is violating or has violated 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 is found to be violating any institutional regulation(s) during the probationary period.

c. Loss of Privileges. Denial of specified privileges for a designated period of time.

d. Restitution. Compensation 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 other related discretionary assignments.

f. Residence Hall Suspension. Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

g. Residence Hall Expulsion. Permanent separation of the student from the residence halls.

h. University Dismissal. An involuntary separation of the student from the institution for misconduct. It is less than permanent in nature and does not imply or state a minimum separation time.

i. University Suspension. Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

j. University Expulsion. Permanent separation of the student from the University.

2. Temporary Suspension. The Chancellor or Designee may at any time temporarily suspend or deny readmission to a student from the University pending formal procedures when the Chancellor or Designee finds and believes from available information that the presence of a student on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student will be initiated within seven business days.

D. Records Retention. Student conduct records shall be maintained for five years after University action is completed.

E. Policy and Procedures.

1. Preliminary Procedures. The Primary Administrative Officer/Designee(s) shall investigate any reported student misconduct before initiating formal conduct procedures and give the student the opportunity to present a personal version of the incident or occurrence. The Primary Administrative Officer/Designee(s) shall utilize the preponderance of the evidence standard in deciding whether or not to initiate formal conduct procedures and in deciding whether or not to offer an informal disposition in accordance with Section 200.020E.2
below. The Primary Administrative Officer/Designee(s) may discuss with any student such alleged misconduct and the student shall attend such consultation as requested by the Primary Administrative Officer/Designee(s). The Primary Administrative Officer/Designee(s), in making an investigation and disposition, may utilize student courts and boards and/or divisional deans to make recommendations.

2. Informal Dispositions. The Primary Administrative Officer/ Designee(s) shall have the authority to make a determination and to impose appropriate sanctions and shall fix a reasonable time within which the student shall accept or reject a proposed informal disposition. A failure of the student either to accept or reject within the time fixed may be deemed by the University to be an acceptance of the determination, provided the student has received written notice of the proposed determination and the result of the student's failure to formally reject and, in such event, the proposed disposition shall become final upon expiration of such time. If the student rejects informal disposition it must be in writing and shall be forwarded to the Committee. The Primary Administrative Officer/Designee(s) may refer cases to the Committee without first offering informal disposition.

3. Formal Procedure and Disposition.
   a. Student Conduct Committee:
      i. The Committee shall be appointed by the Vice Chancellor for Student Affairs and shall have the authority to impose appropriate sanctions upon any accused student or students appearing before it.
      ii. When deemed appropriate or convenient by the Chair of the Committee, the Chair may divide the Committee into Hearing Panels each consisting of no less than five (5) Committee members of which no more than two (2) shall be students.
      If the Chair creates such Hearing Panels, the Chair of the Committee shall designate a Hearing Panel Chair. A Hearing Panel has the authority of the whole Committee in those cases assigned to it. The Chair of the Committee or a Hearing Panel Chair shall count as one member of the Committee or Hearing Panel and have the same rights as other members.
   iii. The Vice Chancellor for Student Affairs shall appoint a panel of students, to be known as the Student Panel. Upon written request of an accused student before the Committee made at least seventy-two (72) hours prior to the hearing, the Chair of the Committee shall appoint from the Student Panel 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 Panel serve as members of the Committee or as members of the Hearing Panel, they shall have the same rights as other members of the Committee or Hearing Panel.

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

c. Notice of Hearing. At least seven 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, the Primary Administrative Officer/Designee(s) will send a letter to the accused student with the following information:
   i. A description of the alleged violation(s) and applicable policies
   ii. A description of the applicable procedures
   iii. A statement of the potential sanctions/remedial actions that could result

   iv. The time, date and location of the hearing. If any party does not appear at the hearing, the hearing will be held in their absence. For compelling reasons, the hearing may be rescheduled.
   1. This Notice of Charges letter will be made in writing and will be delivered either:
      2. In person, or
      3. Mailed to the local address of the accused student as indicated in official University records and emailed to the accused student’s University-issued email account. If there is no local address on file, mail will be sent to the accused student’s permanent address.

   4. Once received in person or mailed and emailed, notice will be presumptively delivered. 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/Designee(s) and the accused student of the new date for the hearing. If the accused student fails to appear at the scheduled time, the Committee may hear and determine the matter.

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

5. Right of Appeal (University expulsion, University dismissal, or University suspension only).
   a. When an accused student is expelled, dismissed, or suspended from the University by the Committee, the Primary Administrative Officer/Designee(s), the accused student may appeal such decision to the Chancellor or Designee by filing written notice of appeal stating the grounds or reasons for appeal in detail with the Chancellor within ten (10) business days after notification of the decision of the Committee. The appealing party may file a written memorandum for consideration by the Chancellor with the Notice of Appeal, and the Chancellor may request a reply to such memorandum by the appropriate party.
   b. The Chancellor or Designee shall review the record of the case and the appeal documents and may affirm, reverse, or remand
the case for further proceedings and shall notify the accused student in writing of the decision on the appeal. The action of the Chancellor shall be final unless it is to remand the matter for further proceedings.

6. Status During Appeal. 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.

7. Student Honor System. Forums under the student honor systems established for investigating facts, holding hearings, and recommending and imposing sanctions are authorized when the student honor code or other regulations containing well defined jurisdictional statements and satisfying the requirements of Section 10.030, which is Article V of the Bylaws of the Board of Curators, have been reduced to writing and have been approved by the Chancellor and the Board of Curators and notice thereof in writing has been furnished to students subject thereto. Though the student honor system has jurisdiction, together with procedures set forth therein, instead of the Primary Administrative Officer/Designee(s), the standard of conduct called for in any such student honor system shall be deemed to contain at a minimum the same standards set forth in Section 200.010, entitled Standards of Conduct. Procedures shall satisfy the requirements of the Board of Curators' Bylaws, Section 10.030, which is Article V, and shall contain procedures herein before stated insofar as appropriate and adaptable to the particular situation and shall be approved by the Chancellor and the General Counsel. Students subject to student honor systems shall have the rights of appeal as set forth in Section 200.020 E.6 and 7.

F. Hearing Procedures.

1. 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 accused of misconduct, read the notice of hearing and charges and verify the receipt of notices of charges by the student, report any continuances requested or granted, establish the presence of any adviser or counselor of the student, and call to the attention of the accused student and the adviser any special or extraordinary procedures to be employed during the hearing and permit the student to make suggestions regarding or objections to any procedures for the Conduct Committee to consider.

   a. Opening Statements.
      i The Primary Administrative Officer/Designee(s) shall make opening remarks outlining the general nature of the case and testify to any facts the investigation has revealed.
      ii The accused student may make a statement to the Committee about the charge at this time or at the conclusion of the University’s presentation.

   b. University Evidence.
      i University witnesses are to be called and identified or written reports of evidence introduced as appropriate.
      ii The Committee may question witnesses at any time.

   iii The accused student or, with permission of the Committee, the adviser or counselor may question witnesses or examine evidence at the conclusion of the University’s presentation.

   c. Accused Student Evidence.
      i If the accused student has not elected to make a statement earlier under a(2) above, the accused student shall have the opportunity to make a statement to the Committee about the charge.
      ii The accused student may present evidence through witnesses or in the form of written memoranda.
      iii The Committee or Hearing Panel may question the accused student or witnesses at any time. The Primary Administrative Officer/Designee(s) may question the accused student or witnesses.

   d. Rebuttal Evidence. The Committee may permit the University or the accused to offer a rebuttal of the others’ presentation(s).

   e. Rights of Student Conduct Committee. The Committee shall have the right to:
      i Hear together cases involving more than one student which arise out of the same transaction or occurrence, but in that event shall make separate findings and determinations for each student;
      ii Permit a stipulation of facts by the Primary Administrative Officer/Designee(s) and the student involved;
      iii Permit the incorporation in the record by reference of any documentation, produced and desired in the record by the University or the accused;
      iv Question witnesses or challenge other evidence introduced by either the University or the accused at any time;
      v Hear from the Primary Administrative Officer/Designee(s) about dispositions made in similar cases and any dispositions offered to the accused appearing before the Committee;
      vi Call additional witnesses or require additional investigation;
      vii Dismiss any action at any time or permit informal disposition as otherwise provided;
      viii Permit or require at any time amendment of the Notice of Hearing to include new or additional matters which may come to the attention of the Committee before final determination of the case; provided, however, that in such event the Committee shall grant to the student or Primary Administrative Officer/Designee(s) such time as the Committee may determine reasonable under the circumstances to answer or explain such additional matters;
      ix Dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chair of the Committee;
      x Suspend summarily students from the University who, during the hearing, obstruct or interfere with the course of the hearing or fail to abide by the ruling of the Chair of the Committee on any procedural question or request of the Chair for order.

2. Rights of Accused upon Hearing. A student appearing before a Committee shall have the right to:
   a. Be present at the hearing
   b. Have an adviser or counselor and to consult with such adviser or counselor during the hearing;
   c. Question witnesses present and testifying;
   d. Hear or examine evidence presented to the Committee;
The University of Missouri does not condone or tolerate hazing and activities, involuntary labor, or any activity not consistent with the University of Missouri Board of Curators Standard of Student Conduct. This includes but is not limited to: paddling in any form, creation of mental or physical discomfort, embarrassment, harassment, or ridicule. The following general rules of decorum shall be adhered to:

a. As to the conduct of the accused student, and
b. On the sanctions, if any, to be imposed. Sanctions shall be imposed on the accused student unless a majority of the Committee present is convinced by the preponderance of the evidence that the student 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.

3. Determination by the Student Conduct Committee. The Committee shall then make its findings and determinations based on the preponderance of the evidence in executive session out of the presence of the Primary Administrative Officer/Designee(s) and the accused student. Separate findings are to be made:

a. To the conduct of the accused student, and
b. On the sanctions, if any, to be imposed. No sanctions shall be imposed on the accused student unless a majority of the Committee present is convinced by the preponderance of the evidence that the student 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.

4. 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.

5. Other Procedural Questions. Procedural questions which arise during the hearing not covered by these general rules shall be determined by the Chair, whose ruling shall be final unless the Chair shall present the question to the Committee at the request of a member of the Committee, in which event the ruling of the Committee by majority vote shall be final.

6. 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. Rules of common courtesy and decency shall be observed at all times.

c. An adviser or counselor may be permitted to address the Committee at the discretion of the Committee. An adviser or counselor may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Chair after recognition.

7. 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 any type by an organization, or by an individual against another individual.

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

Should it be determined that a student organization or any of its members is guilty of hazing as previously defined, sanctions may include but are not limited to:

1. Automatic and indefinite suspension of campus recognition or registration with an accompanying loss of all campus privileges (i.e. use of facilities, student services, etc.);
2. Disciplinary action against those members involved in the incident(s) including suspension or expulsion from the university.

Implementation: Each organizational president (or equivalent officer) is required to read and sign the university’s Policy on Hazing at the first regular meeting at which he or she presides. This policy, signed by the incoming president (or equivalent officer), must accompany any notification of a change in officers submitted to the Office of Student Activities. Failure to do so will result in the automatic imposition of inactive status on the organization with an accompanying loss of all university privileges until such time as the signed policy is submitted.

The following equal opportunity 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.

320.010 EQUAL EMPLOYMENT OPPORTUNITY POLICY

320.010 EQUAL EMPLOYMENT OPPORTUNITY POLICY

600.020 SEX DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT IN EDUCATION EMPLOYMENT POLICY (http://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020_sex_discrimination_sexual_harassment_and_sexual_misconduct)

240.040 POLICY RELATED TO STUDENTS WITH DISABILITIES (http://www.umsystem.edu/ums/departments/gc/rules/programs/240/040.shtml)


Should a student feel that the campus has not followed these policies, they have access to the University of Missouri (http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch390/grievance_390.010) Discrimination Grievance Procedure for Students.

Students may contact Student Affairs (http://www.umsl.edu/~studentconduct/Community%20Standards/standards.html) or Equal Opportunity & Diversity (http://www.umsl.edu/~oee/contact.html) to lodge complaints or seek information about these procedures.

Policy on Hazing

Hazing, defined by the Fraternity Executive Association and accepted by the University of Missouri#St. Louis, is any intentional action taken or situation created, whether on or off university premises, that produces mental or physical discomfort, embarrassment, harassment, or ridicule. This includes but is not limited to: paddling in any form, creation of excessive fatigue, physical or psychological shocks, wearing apparel publicly which is conspicuous and not normally in good taste, engaging in public stunts and buffoonery, morally degrading or humiliating games and activities, involuntary labor, or any activity not consistent with the University of Missouri Board of Curators Standard of Student Conduct. The University of Missouri#St. Louis does not condone or tolerate hazing
Equal Employment/Educational Opportunity

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

Board Min 2-5-15.

A. General

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

B. Jurisdiction

Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.050 of the Collected Rules and Regulations against Staff Members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients or other members of the University community; (2) if there are effects of the conduct that interfere with or limit anyone’s ability to participate in or benefit from the University’s educational programs, activities or employment or (3) if the conduct occurs when the Staff Member is serving in the role of a University employee.

C. At-Will Employment Status

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

D. Definitions:


2. Complainant. Complainant refers to the alleged victim of discrimination under the University’s Anti-Discrimination Policies. The University may also serve as the Complainant when the alleged victim does not wish to participate in the resolution process.

3. Accused. The Staff Member or Members alleged to have violated the University’s Anti-Discrimination Policies.

4. Staff Members. Staff Members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III.

5. Complaint. Any verbal or written communication or notice of an alleged violation of the University’s Anti-Discrimination Policies.

6. Advisors. The individuals selected by the Complainant and the Accused to provide support and guidance throughout the Equity Resolution Process. Each party is allowed one advisor.

7. Investigators. Investigators are trained individuals appointed by the Equity Human Resources Officer (“Equity HR Officer”) or Equity HR Officer’s Designee to conduct investigations of the alleged violations of the University’s Anti-Discrimination Policies.

8. Equity Human Resources Officers (“Equity HR Officers”). The Equity Human Resources Officers (“Equity HR Officers”) are trained human resources and/or equity administrators designated by:

a. the Chancellor or Chancellor’s Designee for campus Staff Members;

b. the Chancellor or Chancellor’s Designee for MU Health System Staff Members; and

c. the President or President’s Designee for System Staff Members.

9. Supervisor. The individual or individuals who have authority to terminate the Accused’s employment. If a supervisor has a conflict as determined by the Equity HR Officer, the Equity HR Officer will determine the appropriate manager to act as the Supervisor for purposes of this rule.

10. Equity Resolution Appellate Officers. Equity Resolution Appellate Officers are trained, senior-level administrators who hear all appeals stemming from the Equity Resolution Process and are designated by:

a. the Chancellor or Chancellor’s Designee for campus Staff Members;

b. the Chancellor or Chancellor’s Designee for MU Health System Staff Members; and

c. the President or President’s Designee for System Staff Members.

11. Summary Resolution. Resolution of the Complaint upon the determination by the Equity HR Officer or Equity HR Officer’s Designee that no reasonable person could find the Accused responsible for violating the University’s Anti-Discrimination Policies.

12. Conflict Resolution. Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.

13. Administrative Resolution. Resolution of a Complaint by the Equity HR Officer and the Accused’s Supervisor.

14. Parties. The Complainant and the Accused are collectively referred to as the Parties.

E. Filing a Complaint

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

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

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

G. Employees and Students Participating in the Equity Resolution Process

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

H. Rights of the Complainant in the Equity Resolution Process

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

I. Rights of the Accused in the Equity Resolution Process

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

J. Role of Advisors

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

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

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

K. Investigation

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

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

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

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

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

L. Summary Resolution

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

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

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

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

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

M. Conflict Resolution

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

N. Administrative Resolution

1. Procedural Details for Administrative Resolution. For the Administrative Resolution Processes, the following will apply:
   a. The standard of proof will be “preponderance of the evidence,” defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
   b. Questioning or evidence about the Complainant’s prior sexual conduct is not permitted, though the Investigator, Equity HR Officer (or Equity HR Officer’s Designee) or Title IX Coordinator (or Title IX Coordinator’s Designee) may grant a limited exception in regards to the sexual history between the parties, if deemed relevant.
   c. Unless deemed relevant by the decision maker, character evidence of either the Complainant or the Accused will not be considered.
   d. Incidents or behavior of the Accused not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Accused that shows a pattern may be considered, if deemed relevant by the Equity HR Officer or Equity HR Officer’s Designee.
   e. The Administrative Resolution Process will normally be completed within sixty (60) business days from the notice of the Complaint. Deviations from this timeframe will be promptly communicated to both parties.
   f. The Accused and the Complainant may provide a list of questions for the Investigator(s), Equity HR Officer or Equity HR Officer’s Designee to ask the other party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting party.
2. Administrative Resolution: Resolution by the Equity HR Officer and Supervisor. Administrative Resolution by the Equity HR Officer and Supervisor can be pursued for any behavior that falls within the University’s Anti-Discrimination Policies. The Administrative Resolution process consists of:
   a. A prompt, thorough and impartial investigation by the Investigator;
   b. A joint finding by the Equity HR Officer and Supervisor on each of the alleged policy violations; and
   c. A joint finding by the Equity HR Officer and Supervisor on sanctions for findings of responsibility.

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

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

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

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

O. Sanctions

1. Factors Considered When Finding Sanctions/Remedial Actions. If the Accused is found responsible for a violation of the University’s Anti-Discrimination Policies, the Equity HR Officer and Supervisor will find sanctions and remedial actions. Factors considered when finding a sanction/remedial action may include:
   a. The nature, severity of, and circumstances surrounding the violation.
   b. The disciplinary history of the Accused.
   c. Any other information deemed relevant by the Equity HR Officer and Supervisor.
   d. The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation.
   e. The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
   f. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

2. Types of Sanctions. The following sanctions may be imposed upon any Staff Member found to have violated a University’s Anti-Discrimination Policy. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
   a. Warning – Verbal or Written
   b. Performance Improvement Plan
   c. Required Counseling
   d. Required Training or Education
   e. Loss of Annual Pay Increase
   f. Loss of Supervisory Responsibility
   g. Demotion
   h. Suspension without Pay
   i. Termination
   j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions

P. Appeal

1. Grounds for Appeal. Both the Complainant and the Accused are allowed to appeal the findings in the Administrative Resolution Process. Appeals are limited to the following:
   a. A procedural error occurred that significantly impacted the outcome of the Administrative Resolution Process (e.g. substantiated bias, material deviation from established procedures, etc.)
   b. To consider new evidence, unavailable during the original Administrative Resolution Process or investigation that could substantially impact the original finding or sanction
   c. The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Accused.

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

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

4. Review of the Request to Appeal. The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
a. The request is timely, and
b. The appeal is on the basis of any of the three grounds listed above, and
c. When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted finding or sanction.

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

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

A. General

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

B. Jurisdiction

Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.050 of the Collected Rules and Regulations against Staff Members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person’s ability to participate in or benefit from the University’s educational programs, activities or employment or (3) if the conduct occurs when the Staff Member is serving in the role of a University employee.

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

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3. Accused. The Staff Member or Members alleged to have violated the University’s Anti-Discrimination Policies.

4. Staff Members. Staff Members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.I of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III.

5. Complaint. Any verbal or written communication or notice of an alleged violation of the University’s Anti-Discrimination Policies.

6. Advisors. The individuals selected by the Complainant and the Accused to provide support and guidance throughout the Equity Resolution Process. Each party is allowed one advisor.

7. Investigators. Investigators are trained individuals appointed by the Equity Human Resources Officer (“Equity HR Officer”) or Equity HR Officer’s Designee to conduct investigations of the alleged violations of the University’s Anti-Discrimination Policies.

8. Equity Human Resources Officers (“Equity HR Officers”). The Equity Human Resources Officers (“Equity HR Officers”) are trained human resources and/or equity administrators designated by:
   a. the Chancellor or Chancellor’s Designee for campus Staff Members;
   b. the Chancellor or Chancellor’s Designee for MU Health System Staff Members; and
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   a. the Chancellor or Chancellor’s Designee for campus Staff Members;
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11. Summary Resolution. Resolution of the Complaint upon the determination by the Equity HR Officer or Equity HR Officer’s Designee that no reasonable person could find the Accused responsible for violating the University’s Anti-Discrimination Policies.

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F. Interim Remedies

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

1. Referral and facilitating contact for the Complainant to on- or off-campus counseling, medical services and/or mental health services.
2. Implementing contact limitations on the Accused or on all Parties.
3. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.
4. Adjusting the work schedules, work assignments, supervisory responsibilities, supervisor reporting responsibilities or work arrangements of the Complainant and/or the Accused.
5. If the Complainant is a student:
   a. Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant.
   b. Adjusting the courses, assignments, exam schedules, etc. of the Complainant.
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6. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
7. Implementing leave from work with or without pay for the Complainant and/or Accused.
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6. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
7. To have Complaints heard in substantial accordance with these procedures.
8. When the Complainant is not the reporting party, the Complainant has full rights to participate in any Equity Resolution Process.
9. To be informed in writing of the finding, rationale and sanction.
10. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
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I. Rights of the Accused in the Equity Resolution Process

1. To be treated with respect by University officials.
2. To have access to campus support resources (such as counseling and mental health services and University health services), unless removed from campus pending the completion of the process.
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Investigation of reported misconduct brought directly by Complainant should be completed expeditiously, normally within thirty (30) business days of notice to the University. Investigation of a Complaint may take longer based on the nature or circumstances of the Complaint, such as lack of cooperation by the Complainant, when initial reports fail to provide direct first-hand information or in complex cases. The University may also undertake a short delay (several days to weeks), to allow evidence collection by the law enforcement agency when criminal charges on the basis of the same behaviors that invoke the process are being investigated.

L. Summary Resolution

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

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

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

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

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

M. Conflict Resolution

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

N. Administrative Resolution

1. Procedural Details for Administrative Resolution. For the Administrative Resolution Processes, the following will apply:
   a. The standard of proof will be “preponderance of the evidence,” defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
   b. Questioning or evidence about the Complainant’s prior sexual conduct is not permitted, though the Investigator, Equity HR Officer (or Equity HR Officer’s Designee) or Title IX Coordinator (or Title IX Coordinator’s Designee) may grant a limited exception in regards to the sexual history between the parties, if deemed relevant.
   c. Unless deemed relevant by the decision maker, character evidence of either the Complainant or the Accused will not be considered.
d. Incidents or behavior of the Accused not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Accused that shows a pattern may be considered, if deemed relevant by the Equity HR Officer or Equity HR Officer’s Designee.

e. The Administrative Resolution Process will normally be completed within sixty (60) business days from the notice of the Complaint. Deviations from this timeframe will be promptly communicated to both parties.

f. The Accused and the Complainant may provide a list of questions for the Investigator(s), Equity HR Officer or Equity HR Officer’s Designee to ask the other party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting party.

g. The Equity HR Officer or Equity HR Officer’s Designee may, in their discretion, grant reasonable extensions to the timeframes and limits provided.

h. The Administrative Resolution Process will proceed regardless of whether the Accused chooses to participate in the investigation or the finding.

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

The Administrative Resolution process consists of:

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

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

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

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

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

O. Sanctions

1. Factors Considered When Finding Sanctions/Remedial Actions. If the Accused is found responsible for a violation of the University’s Anti-Discrimination Policies, the Equity HR Officer and Supervisor will find sanctions and remedial actions. Factors considered when finding a sanction/remedial action may include:
   a. The nature, severity of, and circumstances surrounding the violation.
   b. The disciplinary history of the Accused.
   c. Any other information deemed relevant by the Equity HR Officer and Supervisor.
   d. The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation.
   e. The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
   f. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

2. Types of Sanctions. The following sanctions may be imposed upon any Staff Member found to have violated a University’s Anti-Discrimination Policy. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
   a. Warning – Verbal or Written
   b. Performance Improvement Plan
   c. Required Counseling
   d. Required Training or Education
   e. Loss of Annual Pay Increase
   f. Loss of Supervisory Responsibility
   g. Demotion
   h. Suspension without Pay
   i. Termination
   j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions

P. Appeal

1. Grounds for Appeal. Both the Complainant and the Accused are allowed to appeal the findings in the Administrative Resolution Process. Appeals are limited to the following:
   a. A procedural error occurred that significantly impacted the outcome of the Administrative Resolution Process (e.g. substantiated bias, material deviation from established procedures, etc.).
   b. To consider new evidence, unavailable during the original Administrative Resolution Process or investigation that could substantially impact the original finding or sanction.
   c. The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Accused.
2. **Requests for Appeal.** Both the Complainant and the Accused may submit a request for appeal to the Equity Resolution Appellate Officer. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within three (3) business days of the delivery of the findings. When any party requests an appeal, the other party (parties) will be notified and receive a copy of the request for appeal.

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

4. **Review of the Request for Appeal.** The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
   a. The request is timely, and
   b. The appeal is on the basis of any of the three grounds listed above, and
   c. When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted finding or sanction.
      i. The Equity Resolution Appellate Officer will reject the request for appeal if all three of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will normally render a written decision whether the request for appeal is accepted or rejected within seven (7) business days from receipt of the request for appeal.

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

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

Q. **Records**

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

R. **Amendments**

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

Complaints regarding sex discrimination, sexual harassment, or sexual violence, questions or concerns about Title IX compliance should be directed to the Title IX Coordinator: http://www.umsystem.edu/ums/hr/titleix/umsl_title_ix_office.