

**Board of Curators Meeting  
December 9, 2020  
Public Session**



## Vision

To advance the opportunities for success and well-being for Missouri, our nation and the world through transformative teaching, research, innovation, engagement and inclusion.

## Mission

To achieve excellence in the discovery, dissemination, preservation and application of knowledge. With an unwavering commitment to academic freedom and freedom of expression, the university educates students to become leaders, promotes lifelong learning by Missouri's citizens, fosters meaningful research and creative works, and serves as a catalyst for innovation, thereby advancing the educational, health, cultural, social and economic interests to benefit the people of Missouri, the nation, and the world.

## Missouri Compacts for Achieving Excellence

The Missouri Compacts for Achieving Excellence provide unifying principles that inform and guide the four universities and their strategic plans. Learn more about the compacts, below, at <http://umurl.us/prespri>.



Excellence in Student Success



Excellence in Research and Creative Works



Excellence in Engagement and Outreach



Inclusive Excellence



Excellence in Planning, Operations and Stewardship

## Core Values

Our institution collectively embraces a series of core values that serve as the foundation upon which we build new knowledge and provide outstanding programs for students and citizens of our state and beyond.



- Academic freedom
- Access
- Accountability
- Civility
- Collaboration
- Creativity
- Discovery
- Engagement
- Excellence
- Freedom of expression
- Inclusion
- Innovation
- Integrity
- Respect
- Responsibility
- Transparency

## Guiding Principles

1. Support courageous and proactive leadership that is articulate, unified and committed to excellence in carrying out our existing core missions of teaching, research, engagement and economic development and in meeting the changing needs of the world and the state.
2. Establish a collaborative environment in which UM System universities work together to achieve collective results that cannot be achieved individually and are committed to each other and our mutual success.
3. Exercise central authority that recognizes and respects institutional distinctiveness, appropriate deference and accountability.
4. Enact informed decisions based on collaboratively developed strategic directions and planning.
5. Identify and promote systemwide core values, including respect for all people, transparency, accountability, stewardship and purposeful self-assessment of performance.

# University of Missouri



## Board of Curators and Executive Committee

### Special Meeting

Sunday, December 6, 2020

4:00 P.M.

#### Originating:

From remote locations via Zoom and/or conference telephone.

**Zoom Webinar Link:** <https://umsystem.zoom.us/j/99197394966>

**Webinar ID:** 99197394966

**Public Session Dial-In Number:** +13017158592,,99197394966#

### AGENDA

#### **PUBLIC SESSION – 4:00 P.M.**

Call to Order – Chair Brncic

Roll Call of the Board of Curators

#### **4:00 P.M. General Business**

#### **General Business**

#### Information

1. Review of Consent Agenda

#### **Consent Agenda**

1. Amendments to Collected Rules and Regulations:
  - a. 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;
  - b. 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; and
  - c. 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

2. Minutes, October 30, 2020 Board of Curators Special Meeting

## **General Business**

### Action

1. Approval, Council of Chancellors and Administrative Efficiency Reports (Mun Choi and Ryan Rapp)
2. Resolution, Indoor Practice Facility, MU (Ryan Rapp and Jim Sterk)
3. Resolution for Executive Session, Special Board of Curators Meeting, December 6, 2020

### **4:25 P.M. EXECUTIVE COMMITTEE** (Curators Brncic, Graham and Steelman)

### Action

1. Resolution, Executive Session of the Executive Committee Meeting, December 6, 2020

### **4:30 P.M. EXECUTIVE COMMITTEE MEETING-EXECUTIVE SESSION** (time is approximate) Via Zoom

The Board of Curators Executive Committee will hold an executive session of the December 6, 2020 special meeting, pursuant to Sections 610.021(1), 610.021(2) and 610.021(12) RSMo, for consideration of certain confidential or privileged communications with University Counsel, property and contract items, all as authorized by law and upon approval by resolution of the Executive Committee.

### **4:40 P.M. BOARD OF CURATORS SPECIAL MEETING-EXECUTIVE SESSION** (time is approximate) Via Zoom

The Board of Curators will hold an executive session of the December 6, 2020 special meeting, pursuant to Sections 610.021(1), 610.021(2), 610.021(3), 610.021(12) and 610.021(13) and RSMo, for consideration of certain confidential or privileged communications with University Counsel, personnel, property and contract items, all as authorized by law and upon approval by resolution of the Board of Curators.

# **GENERAL BUSINESS**

## REVIEW CONSENT AGENDA

There are no materials for this information item.

# **CONSENT AGENDA**

CONSENT

Recommended Action - Consent Agenda

It was endorsed by University of Missouri President Choi, moved by Curator \_\_\_\_\_ and seconded by Curator \_\_\_\_\_, that the following items be approved by consent agenda:

CONSENT AGENDA

Action

- 1. Amendments to Collected Rules and Regulations:
  - a. 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;
  - b. 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; and
  - c. 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
- 2. Minutes, October 30, 2020 Board of Curators Special Meeting

Roll call vote of the Board:	YES	NO
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- Curator Brncic
- Curator Chatman
- Curator Graham
- Curator Hoberock
- Curator Layman
- Curator Snowden
- Curator Steelman
- Curator Wenneker
- Curator Williams

The motion \_\_\_\_\_.

## Proposed Amendments to Collected Rules and Regulations 600.030, 600.040, 600.050

### Executive Summary

The University of Missouri's Collected Rules and Regulations related to Equity and Title IX became effective on August 14, 2020. Proposed are minor revisions to Equity and Title IX resolution processes. Suggested revisions include improvements and updates for clarity and consistency. Board materials include a clean and redlined copy of the proposed language adjustments. A summary of the revisions follows:

#### 600.030 – Resolution Process for Resolving Complaints of Sexual Harassment under Title IX

- Added reply email as an additional manner by which the Parties may acknowledge receipt of the Notice of Allegations and allows the Parties three (3) days to respond instead of one day before the Notice must be sent by U.S. mail.
- Moved emergency removal, interim suspension of student organization, and administrative leave from paragraph listing supportive measures and created a separate section for each provision.
- Revised language to clarify when a challenge to an emergency removal must be made.
- Repeated the language regarding the consequence of a Party/witness' failure to submit to cross-examination in the hearing process rules section.

#### 600.040 – Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization

- Clarified that an Equity Resolution Appellate Officer would review requests for reconsideration of summary determinations.
- Added reply email as an additional manner by which the Parties may acknowledge receipt of the Notice of Allegations and allows the Parties three (3) days to respond instead of one day before the Notice must be sent by U.S. mail.
- Moved emergency removal, interim suspension of student organization, and administrative leave from paragraph listing supportive measures and created a separate section for each provision.
- Revised language to clarify when a challenge to an emergency removal must be made.
- Clarified a Party's right to request reconsideration of (rather than appeal) a summary determination ending the process.
- Revised summary resolution language to clarify the process to request reconsideration, as set forth in the previous version of CRR 600.040, and added a requirement that the Equity Resolution Appellate Officer send notice of their decision to reverse summary determination to the Parties.
- In the appeal section, removed reference to summary determination.

600.050 – Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri

- Clarified that an Equity Resolution Appellate Officer would review requests for reconsideration of summary determinations.
- Added reply email as an additional manner by which the Parties may acknowledge receipt of the Notice of Allegations and allows the Parties three (3) days to respond instead of one day before the Notice must be sent by U.S. mail.
- Moved administrative leave from the paragraph listing supportive measures and created a separate section for this provision.
- Clarified a Party’s right to request reconsideration of (rather than appeal) a summary determination ending the process.
- Revised summary resolution language to clarify the process to request reconsideration, as set forth in the previous version of CRR 600.050, and added a requirement that the Equity Resolution Appellate Officer send notice of their decision to reverse summary determination to the Parties.
- In the appeal section, removed reference to dismissal and summary determination.

No. 1

Recommended Action - Amendments to Collected Rules and Regulations

It was recommended by Associate Vice President and Chief Human Resources Officer Marsha Fischer, endorsed by President Choi, recommended by the Governance, Compensation and Human Resources Committee, moved by Curator \_\_\_\_\_, and seconded by Curator \_\_\_\_\_, that the following action be approved:

- a. 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;
- b. 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; and
- c. 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

Roll call vote of the Committee:                      YES                      NO

Curator Chatman  
Curator Layman  
Curator Snowden  
Curator Williams

The motion \_\_\_\_\_.

Roll call vote of the Board:                      YES                      NO

Curator Brncic  
Curator Chatman  
Curator Graham  
Curator Hoberock  
Curator Layman  
Curator Snowden  
Curator Steelman  
Curator Wenneker  
Curator Williams

The motion \_\_\_\_\_.

# 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

Executive Order 41, 9-22-14; Amended 2-09-17 with effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20.

- 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 or reply email requested. If a read-receipt or reply email -is not returned within ~~one~~three (13) business days 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, Emergency Removal, Interim Suspension of Student Organization, and Administrative Leave**

**3.1. 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:

- a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
- b. Mutual restrictions on contact between the Parties.
- c. Providing campus escort services to the Parties.
- d. Increased security and monitoring of certain areas of the campus.
- e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
- f. If either Party is a student:
  - (1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
  - (2) Adjusting the courses, assignments, and/or exam schedules of the Party.
  - (3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
- g. Providing limited transportation accommodations for the Parties.
- h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.

**4.2. Emergency Removal.** ~~The Title IX Coordinator may implement 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 following the Removal. Any challenge by Respondent shall be made in writing and directed to the Title IX Coordinator and must, to show cause why the removal Removal should not be implemented. The Title IX Coordinator Any such challenge shall be made in writing and directed to the Title IX

~~Coordinator who~~ will forward ~~such the~~ challenge to the Emergency Removal Appeal Individual/Committee, which will make a final decision on ~~R~~removal within three (3) business days.

~~b.~~ Violation of an Emergency Removal under this policy may be grounds for discipline under applicable University conduct policy.

~~b.~~

~~5.3.~~ **Interim Suspension of Student Organization.** The Title IX Coordinator may s~~S~~suspend~~ing~~, 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.

~~6.4.~~ **Administrative Leave.** The Title IX Coordinator may i~~implem~~ent~~ing~~ 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.

~~H.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.

~~I.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.

#### **J.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 that 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.

**K.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.

**L.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.

**M.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.

**N.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.

- Q.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.

**P.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.

- ~~i.~~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.
- ~~j.~~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.
- ~~k.~~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.

Q.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 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.
  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.

**R.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) 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;
    - (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.

S.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.

T.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, and
  - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The

Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within 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.

U.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.

V.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.

W.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.

**X.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.

# 600.030 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

Executive Order 41, 9-22-14; Amended 2-09-17 with effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20.

- 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 or reply email requested. If a read-receipt or reply email is not returned within three (3) business days 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, Emergency Removal, Interim Suspension of Student Organization, and Administrative Leave**

1. **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:
  - a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
  - b. Mutual restrictions on contact between the Parties.
  - c. Providing campus escort services to the Parties.
  - d. Increased security and monitoring of certain areas of the campus.
  - e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
  - f. If either Party is a student:
    - (1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
    - (2) Adjusting the courses, assignments, and/or exam schedules of the Party.
    - (3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
  - g. Providing limited transportation accommodations for the Parties.
  - h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
2. **Emergency Removal.** The Title IX Coordinator may implement a 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 following the Removal. Any challenge by Respondent shall be made in writing and directed to the Title IX Coordinator and must show cause why the Removal should not be implemented. The Title IX Coordinator will forward the 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 under applicable University conduct policy.
  3. **Interim Suspension of Student Organization.** The Title IX Coordinator may suspend, 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.
  4. **Administrative Leave.** The Title IX Coordinator may implement 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 that 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 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.
  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.

#### **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) 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;

(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, and
  - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The

Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within 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.

## 600.040 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

Bd. Min. 2-5-15; Revised 7-28-20 with effective date of 8-14-20.

- A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination policies. The procedures described below apply to such reports when the Respondent is a Faculty Member(s), a student(s), or a student organization. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the Equity Officer, the investigation may be conducted by an outside investigator. This procedure does not govern complaints alleging conduct that would be defined as sexual harassment under Section 600.020 of the Collected Rules and Regulations.
- B. **Jurisdiction.** Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.040 of the Collected Rules and Regulations against Faculty Members, Students, or Student Organizations for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, and visitors or other members of the University community, or (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, or (3) if the conduct is related to the Faculty Member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the Faculty Member is serving in the role of a University employee.

If a Complainant simultaneously alleges or the investigation suggests violations of the University's Anti-Discrimination Policies and (1) violation, misinterpretation, or arbitrary application of another written University rule, policy, regulation, or procedure which applies personally to the Faculty member; and/or (2) that there has been an infringement on the academic freedom of the Faculty member, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process. In conducting such investigations, the Provost, Equity Officer, and/or the Investigator may consult with and/or seek guidance from the Human Resources staff or other appropriate administrators as necessary.

If a Complainant alleges or the investigation suggests that a student conduct policy violation occurred in concert with the alleged violation of the University's Anti-Discrimination Policies, the University shall have the authority to investigate and take appropriate action regarding each of the alleged violations of the student conduct policy pursuant to this Equity Resolution Process. In conducting such investigations, the Equity Officer and/or the Investigator may consult with and/or seek guidance from the Student Conduct Coordinator or Residential Life Coordinator as appropriate.

If a Complainant alleges or the investigation suggests that a discrimination or harassment policy violation as defined in Section 600.010 of the Collected Rules and Regulations occurred in concert with an alleged violation of the University's Title IX policies, the University shall investigate and take appropriate action regarding the alleged violation(s) of the discrimination or harassment policy pursuant to University's Title IX process. If the allegation(s) in the Complaint that fall under the Title IX policy are dismissed, the University may discontinue the process under the Title IX policy and then proceed under this equity resolution process for any remaining reports of alleged violation(s) of Section 600.010 in the Complaint.

**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.

C. **Definitions:**

1. **Administrative Resolution.** A voluntary resolution process where a decision-maker makes a finding on each of the alleged policy violations in a Complaint and a finding on sanctions and remedies without a hearing.
2. **Chair of the Hearing Panel ("Panel Chair").** A Chair of the Hearing Panel for a specific Complaint is designated by the Hearing Panelist Pool Chair. The Pool Chair may serve as the Chair of the Hearing Panel for a specific Complaint.
3. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will appropriately respond to reports of a violation of the University's Anti-Discrimination policies and if the University decides to pursue a report of discrimination through the applicable equity resolution process, the University will act as the Complainant.
4. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.
5. **Conflict Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, or restorative justice.
6. **Equity Resolution Appellate Officer.** For Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all requests for reconsideration of

- summary determination and appeals stemming from the Equity Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
7. **Equity Resolution Hearing Panel ("Hearing Panel")**. A group of three (3) trained Equity Resolution Hearing Panelist Pool members who serve as the Hearing Panel for a specific Complaint. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member.
  8. **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.
  9. **Equity Officer**. The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's Designee.
  10. **Equity Support Person**: An individual selected by a Party to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Equity Support Person.
  11. **Faculty Member**. For purposes of Section 600.040, Faculty Member includes all regular and non-regular academic staff appointments as defined in Sections 310.020 and 310.035 of the Collected Rules and Regulations.
  12. **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 Complaint. The Pool Chair may serve as a panel member for a specific Complaint.
  13. **Hearing Panel Resolution**. Resolution of a Complaint by an Equity Resolution Hearing Panel making the finding on each of the alleged policy violations. In faculty matters, the Hearing Panel will make recommendations as to any sanctions, if applicable, and the Provost will make the finding on sanctions. In matters involving students or student organizations, the Hearing Panel will make a finding on sanctions and remedial actions.
  14. **Investigators**. Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
  15. **Parties**. The Complainant and the Respondent are collectively referred to as the Parties.
  16. **Record of the Case**. The Record of the Case in the Section 600.040 Process includes, when applicable: All Notices to the Parties, investigative report, recordings of Party and witness interviews, exhibits used at a hearing, 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.

17. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
  18. **Respondent.** "Respondent" refers to the Faculty Member(s) or student(s) or student organization alleged to have violated the University's Anti-Discrimination Policies.
  19. **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.
  20. **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.
  21. **Summary Resolution.** Resolution of the Complaint upon a determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
  22. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations (CRR).
- D. **Making a Report.** Any person (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment) may report discrimination or harassment to the Equity Officer. A report 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 Equity Officer, by an online portal set up by the University for this purpose, or by any other means that results in the Equity Officer 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 and Inquiry.** Upon receiving a report, the Equity Officer 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 availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the identity of the Complainant is unknown, the Equity Officer may conduct a limited investigation sufficient to identify the Complainant to the extent possible.
- In addition to making preliminary contact, the Equity Officer shall conduct a preliminary inquiry to gather enough information to make a threshold decision regarding whether the report describes a possible violation of the University's anti-discrimination policies.
- If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.
- The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.

**F. Filing a Complaint.**

A Complaint is a document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation. As used herein, the phrase "document filed and signed by a complainant" means a document or electronic submission (such as by electronic mail or through 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 Complaint.

All Complaints alleging discrimination or harassment under this policy will be investigated. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Where the Equity Officer prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.

The University may consolidate Complaints as to allegations of discrimination or 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 discrimination or harassment, arise out of the same facts or circumstances. 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 Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
  - b. Notice of the allegations of discrimination and/or 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 discrimination and/or 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 Equity Resolution process.
  - d. A statement notifying the Parties of the availability of supportive measures.
  - e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
  - f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
  - g. 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 Complaint, including the

- evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
- h. 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 grievance 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.
  - i. A statement that nothing in the Equity 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.
  - j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer 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 or reply email requested. If a read-receipt or reply email is not returned within ~~one~~ three (±3) business days 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, Emergency Removal, Interim Suspension of Student Organization, and Administrative Leave**

**3.1. 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 Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and 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 Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:

- a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
- b. Mutual restrictions on contact between the Parties.
- c. Providing campus escort services to the Parties.
- d. Increased security and monitoring of certain areas of the campus.
- e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or Respondent, as appropriate.
- f. If either Party is a student:

- (1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
  - (2) Adjusting the courses, assignments, and/or exam schedules of the Party.
  - (3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
- g. Providing limited transportation accommodations for the Parties.
  - h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.

**4.2. Emergency Removal.** ~~The Equity Officer may implement~~ ~~ing an Emergency Removal~~ of a Respondent from the University's education program or activity on an emergency basis, if the Equity Officer, 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 discrimination or 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 Equity Officer either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days ~~following the Removal. Any challenge by Respondent shall~~ ~~to be made in writing and directed to the Equity Officer and must~~ show cause why the Removal should not be implemented. ~~The Equity Officer~~ ~~Any such challenge shall be made in writing and directed to the Equity Officer who~~ will forward ~~such the~~ 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 ~~under applicable University conduct policy.~~

**5.3. Interim Suspension of Student Organization.** ~~The Equity Officer may suspend~~ ~~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 Equity Process when the Equity Officer 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.

**6.4. Administrative Leave.** ~~The Equity Officer may implement~~ ~~ing 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.

**H.I. 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 but not limited to the Investigator, Equity Officer, Provost (or Designee), the Hearing Panel, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence or refusal to cooperate with the Investigator, Equity Officer, Provost (or Designee), 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. For purposes of this policy, "refusal to cooperate" does not include refusal to participate in any proceedings involving sex discrimination. 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.

### **F.J. Rights of the Parties 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 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 an Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict or Administrative 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 Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
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-request reconsideration of thea~~ summary determination ending the process, and appeal the determination of a hearing panel or decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process.
15. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.040.H.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.
16. Additional Rights for Hearing Panel Resolution:
  - a. To receive notice of a hearing.

- b. To have the names of witnesses that may participate in the hearing and copies of all 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 Panel Chair or by failure to appear.
- d. To have present an Equity Support Person during the hearing and to consult with such Equity Support Person during the hearing.
- e. To request to have an Equity Support Person of the University's selection appointed for a Student Party where the Student Party does not have an Equity Support Person of their own choice at a hearing.
- f. To testify at the hearing or refuse to testify at the hearing.
- g. To have an equal opportunity to present witnesses and documents deemed relevant by the Hearing Panel Chair, and to question witnesses present and testifying at the hearing.
- h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.

**J.K. Role of Equity Support Persons.** Each Complainant and Respondent is allowed to have one Equity Support Person of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whomever they wish to serve as their Equity Support Person, including an attorney or parent.

If requested by a Student Party, the Equity Officer may assign an Equity Support Person to explain the Equity Resolution process and attend interviews, meetings and proceedings with a Student Party. University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Parties may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity 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 an Equity Support Person.

The Equity Support Person may not make a presentation or represent the Complainant or Respondent during the hearing. At the hearing, the Parties are expected to ask and respond to questions on their own behalf, without representation by the Equity Support Person. The Equity Support Person may consult with the Party quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the Party to the hearing panelists. If the Equity Support Person fails to follow these guidelines, they will be warned or dismissed from the hearing at the discretion of the Hearing Panel Chair.

**K.L. Investigation.** Upon the initiation of a formal investigation, the Equity Officer will promptly appoint a trained Investigator or a team of trained Investigators to investigate the Complaint.

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

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 Equity Resolution process.

The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. The Parties may present 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 an Equity Support Person of their choice, who may be, but is not required to be, an attorney; however, the Equity Support Person may only participate in the proceedings as set forth in this policy.

The Investigator(s) will make reasonable efforts to conduct interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer. This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The final investigative report will fairly summarize the relevant evidence.

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

**L.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 Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity 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 Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer 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, discrimination, or harassment.

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

If the Equity Officer determines that there is a sufficient basis to proceed with the Complaint, then the Equity Officer will direct the process to continue. The Complaint

will then be resolved through either Conflict Resolution, Administrative Resolution, or Hearing Panel Resolution. There is no right to request reconsideration or appeal the summary determination to continue the process.

If the Equity Officer determines that there is an insufficient basis to proceed with the Complaint, then the process will end and the Complainant and Respondent will simultaneously be sent written notification of the determination and advised of their right to request reconsideration. The Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation. ~~Upon a summary determination ending the process, the University will promptly send written notice of the summary determination and reason(s) therefor simultaneously to the Parties.~~

~~Upon a summary determination ending the process, the University will promptly send written notice of the summary determination and reason(s) therefor simultaneously to the Parties.~~

The Parties may request that the Equity Resolution Appellate Officer reconsider appeal a summary determination ending the process in accordance with Section 7, by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, if the summary determination ending the process is reversed, the Equity Resolution Appellate Officer will reverse the determination ending the process and direct the process to continue pursuant to this policy. The Equity Resolution Appellate Officer will simultaneously send the Parties notice of their decision. This decision to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer that there is not a sufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will simultaneously be sent written notification of the decision. This decision to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted. -

**M.O. Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict 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 Complaint or a right to a hearing. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative or Hearing Panel Resolution Process and either Party can stop the Conflict Resolution Process at any time and request either the Administrative Resolution Process or Hearing Panel Resolution Process. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer 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. In Conflict Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Equity Support Person may attend the

Conflict 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 Equity Officer for review and referral to the appropriate University Process for discipline or sanctions. The Equity Officer will keep records of any Conflict Resolution that is reached.

In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred back to the Administrative or Hearing Panel Resolution process. The content of the Parties' discussion during the Conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative or Hearing Panel Resolution processes. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred. Among the resolutions which may be reached at this stage (or at any point prior to a finding through Administrative or Hearing Panel Resolution), the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the Equity Officer accepts the Respondent's proposal, the Respondent must sign a Voluntary Permanent Separation and General Release agreement to effectuate their separation and terminate the Equity Resolution process.

**N.P. \_\_\_\_\_ Procedural Details for Administrative Resolution and Hearing Panel Resolution.** For both the Administrative Resolution and Hearing Panel Resolution, which are described in more detail below, the following will apply:

1. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
2. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
3. 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 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.
  - 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.
4. The Respondent may not directly question the Complainant and the Complainant may not directly question the Respondent. However, if both Complainant and Respondent request the opportunity, direct questioning between the Parties will be permitted in the Hearing Panel Resolution Process. Otherwise written questions will be directed to the Chair in the Hearing Panel Resolution Process, and those questions deemed appropriate and relevant will be asked on behalf of the requesting Party.
  5. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the 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.
  6. At any time prior to the deadline in the Notice of Administrative Resolution, the Complainant and/or the Respondent may request that the Complaint shift from the Administrative Resolution process to the Hearing Panel Resolution process. Upon receipt of such timely request from either Party, the Complaint will shift to the Hearing Panel Resolution Process.
  7. The Resolution Processes may proceed regardless of whether the Respondent chooses to participate in the investigation, the finding or the hearing.
  8. The Administrative Resolution or Hearing Panel Resolution Process will normally be completed within a reasonably prompt time period, not to exceed one hundred twenty (120) days, following the Equity Officer's receipt of a Complaint. Unusual delays will be promptly communicated to both Parties.
  9. For good cause, the decision-maker may, in their discretion, grant reasonable extensions to the time frames and limits provided.

Q. **Administrative Resolution:**

1. Administrative Resolution can be pursued for any behavior that falls within the University's Anti-Discrimination Policies. Administrative Resolution may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.
2. The Administrative Resolution process consists of:
  - a. A prompt, thorough and impartial investigation;
  - b. A separate meeting with each Party and their Equity Support Person, if any, and the decision-maker, if requested;
  - c. A written finding by the decision-maker on each of the alleged policy violations:
    - (1) For Faculty Respondents by the Provost (or Designee)
    - (2) For Student/Student Organization Respondents by the Equity Officer
  - d. A written finding on sanctions for findings of responsibility:
    - (1) For Faculty Respondents by the Provost
    - (2) For Student/Student Organization Respondents by the Equity Officer

3. 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 decision-maker will send a letter (Notice of Administrative Resolution) to the Parties containing 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 an Equity Support Person of their choosing at the meeting with the decision-maker, though the Equity Support Person's attendance at the meeting is the responsibility of the respective Parties.
  - g. The option and the deadline of ten (10) business days from the date of the Notice to request in writing that the matter be referred to the Hearing Panel Resolution process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
4. The Notice of Administrative Resolution 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. Within ten (10) business days from the date of the Notice of Administrative Resolution, the Parties have the right to have the matter referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
6. 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 attempt to meet separately with the Complainant and the Respondent, and their Equity 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 utilizing the preponderance of the evidence standard. For Faculty Respondents, the Provost's Designee may recommend appropriate sanctions and remedial actions but only the Provost will find sanctions or remedial actions. The findings and sanctions are subject to appeal.
7. The 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.

8. Either Party may appeal a decision under Administrative Resolution in accordance with Section T of this policy.

P-R. **Hearing Panel Resolution**

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 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. Panelists 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 Equity Officer. Under such circumstances, the Equity Officer will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.
2. **Equity Resolution Hearing Panel ("Hearing Panel").** When a Complaint is not resolved through the Administrative Resolution Process, the Hearing Panelist Pool Chair will randomly select three (3) members from the Hearing Panelist Pool to serve on the specific Hearing Panel. 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 Equity Officer 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 or attachment of the applicable procedures.
    - (3) A statement that the Parties may have the assistance of an Equity Support Person of their choosing, at the hearing; at the hearing, though the Equity Support Person's attendance at the hearing is the responsibility of the respective Parties.
    - (4) The time, date and location of the hearing.
    - (5) A list of the names of each of the Hearing Panel members and

alternates, 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 is available to the Parties and instructions regarding how to request access to that information.

(8) 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.
- d. 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.

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

- a. Hearing Panel members 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 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 in the Notice of Hearing. Should any Complainant or Respondent object to any panelist, they must raise all objections, in writing, to the Equity Officer at least fifteen (15) business days prior to the hearing.
- c. Hearing panel members will only be unseated and replaced if the Equity Officer 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 Equity Officer determines that a Hearing Panel member should be unseated and replaced, then the Equity Officer will ask the Hearing Panel Pool Chair to randomly select another member from the pool to serve on the Hearing Panel. The Equity Officer will provide a written response to all Parties addressing any objections to the Hearing Panel members.

6. **Request for Alternative Attendance or Questioning Mechanisms.** The Chair of the Hearing Panel, in consultation with the Parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator(s) in the investigative report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the Parties.  
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 and their legal advisor, if any, the Parties and their Equity Support Person, and the Investigator, to simultaneously see and hear the Party or the witness answering questions. Should any hearing take place in this manner, the Equity Officer (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 Chair of the Hearing Panel may grant requests to reschedule the hearing date.
8. **Conduct of Hearing.** The Chair of the Hearing Panel ("Chair" in this subsection) shall preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted, and establish the presence of any Equity Support Persons. Formal rules of evidence shall not apply.

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

(1) **Investigator's Report and Testimony.** The Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent and the Hearing Panel. The Investigator may also submit documentary evidence. The investigator(s) will remain present during the entire hearing process.

(2) **Complainant's Evidence.** The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent (through the Hearing Panel Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.

(3) **Respondent's Evidence.** The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.

(4) **Record of Hearing.** The Chair of the Hearing Panel shall arrange for recording of the hearing, whether by audio, video, digital or stenographic means. The recording of the hearing will become part of the Record of the Case in the Section 600.040 Process.

#### 9. **Process Rules and Rights of the Hearing Panel.**

- a. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Chair, whose ruling shall be final, unless the Chair shall present the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.
- b. To question witnesses or evidence introduced by the Investigator, the Complainant or the Respondent at any time during the hearing process.
- c. To call additional witnesses and submit documentary evidence.
- d. To exclude a witness proposed by the Investigator, the Complainant or the Respondent if it is determined their testimony would be redundant or not relevant.
- e. To dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chair of the Hearing Panel.
- f. To have present a legal advisor to the Hearing Panel, who shall be designated by the Office of the General Counsel.
- g. To have the names of witnesses that may be called by the Investigator, the Complainant and the Respondent, all relevant documentary evidence that may be introduced by those Parties, and a complete copy of the investigative report at least five (5) business days prior to the hearing.
- h. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Chair, whose ruling shall be final unless the Chair shall present the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.

#### 10. **Findings 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).
- b. If a Student or Student Organization Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine the appropriate sanctions which will be imposed by the Equity Officer. If a Faculty Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will recommend appropriate sanctions to the Provost, who will determine and impose the appropriate sanctions.

- c. The Hearing Panel Chair will prepare a written determination regarding responsibility ("Hearing Panel Decision") and deliver it to the Provost (or Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents) detailing the following:
- (1) Identification of the allegations potentially constituting discrimination or harassment, as defined in CRR 600.010, and the determination of the Hearing Panel.
  - (2) A description of the procedural steps taken from the receipt of the 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 and any information the Hearing Panel excluded from its consideration and why;
  - (4) Conclusions regarding the application of the University's Anti-Discrimination policies to the facts;
  - (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
  - (6) For Student Respondents, 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;
  - (7) For Faculty Respondents, any disciplinary sanctions the Hearing Panel recommends to be imposed on the Respondent and any recommended remedies designed to restore or preserve equal access to the University's education programs or activities to be provided by the University to the Complainant; and
  - (8) The procedures and permissible bases for the Complainant and the Respondent to appeal.
- d. The Hearing Panel Decision will be provided to the Equity Officer (for Student Respondents) within five (5) business days of the end of deliberations. The Hearing Panel Decision will be provided to the Provost (or Designee) (for Faculty Respondents) within five (5) business days of the end of deliberations.
- e. The Provost (or Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents) will inform the Respondent and the Complainant simultaneously of the Hearing Panel Decision and the Provost's finding of sanctions, if applicable, within five (5) business days of receipt of the Hearing Panel Decision; such notification will be sent 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.
- f. 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.
- g. The Equity Officer is responsible for effective implementation of any remedies.

Q.S. **Sanctions and Remedial Actions.**

1. **Factors Considered When Finding Sanctions/Remedial Actions.** When recommending or imposing sanctions and/or remedial actions, factors to consider include but are not limited to the following:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - c. The need for sanctions/remedial actions to bring an end to the conduct;
  - d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
  - e. The need to remedy the effects of the conduct on the Complainant and the University community; and
  - f. Any other information deemed relevant by the decision-maker(s).
2. **Types of Sanctions.**
  - a. The following sanctions may be imposed upon any Faculty Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
    - (1) Warning - verbal or written;
    - (2) Performance Improvement Plan;
    - (3) Required counseling;
    - (4) Required training or education;
    - (5) Loss of annual pay increase;
    - (6) Loss of supervisory responsibility;
    - (7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;
    - (8) For Non-Regular Faculty, immediate termination of term contract and employment;
    - (9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;
    - (10) Suspension without pay;
    - (11) Non-renewal of appointment; and
    - (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.
  - b. The following sanctions may be imposed upon any Respondent Student or Respondent Student Organization found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
    - (1) **Warning.** A notice in writing to the Respondent Student or Respondent Student Organization that there is or has been a violation of institutional regulations.
    - (2) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes

the probability of more severe sanctions if the Respondent Student or Respondent Student Organization is found to be violating any institutional regulation(s) during the probationary period.

(3) **Loss of Privileges.** Denial of specified privileges for a designated period of time.

(4) **Restitution.** Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.

(5) **Discretionary Sanctions.** Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming or counseling.

(6) **Residence Hall Suspension.** Separation of the Respondent Student from the residence halls for a definite period of time, after which the Respondent Student is eligible to return. Conditions for readmission may be specified.

(7) **Residence Hall Expulsion.** Permanent separation of the Respondent Student from the residence halls.

(8) **Campus Suspension.** Respondent 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 Officer (or Designee).

(9) **University System Suspension.** Separation of the Respondent Student from the University System for a definite period of time, after which the Respondent Student 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 Student from the University System.

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

(1) Where the Complainant is a student:

- (a) Permitting the student to retake courses;
- (b) Providing tuition reimbursement;
- (c) Providing additional academic support;
- (d) Removal of a disciplinary action; and
- (e) Providing educational and/or on-campus housing accommodations.

(2) Where the Complainant is an employee:

- (a) Removal of a disciplinary action;
- (b) Modification of a performance review;
- (c) Adjustment in pay;
- (d) Changes to the employee's reporting relationships; and
- (e) Workplace accommodations.

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

d. **When Implemented.**

(1) Sanctions imposed against Student Respondents are stayed until the end of any appeal period or once an appeal, if any, is final, unless the Equity Officer determines the sanctions should be imposed immediately.

(2) Sanctions against Staff Respondents shall be implemented immediately.

(3) Sanctions against Faculty Respondents shall be implemented immediately; however, for Regular, Tenured Faculty Respondents, the sanction of suspension without pay will be a suspension with pay while the appeal is pending, but not for the duration of any dismissal for cause proceedings.

(4) When the sanction is termination, actual termination will be stayed until the end of any appeal period or once an appeal, if any, is final; however, the Respondent will be suspended without pay during any appeal period or once an appeal, if any, is final.

3. **Withdrawal While Charges Pending.** Should a Respondent decide to leave the University and not participate in the investigation and/or hearing without signing a Voluntary Permanent Separation and General Release Agreement and without the approval of the Equity Officer, the Complaint may be dismissed, or the Equity Officer 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.

R.T. **Appeal.** Both Complainant and Respondent are allowed to appeal the summary determination ending the process, or a determination regarding responsibility in the Administrative Resolution Process or the finding(s) in the Hearing Panel Resolution Process.

1. **Grounds for appeal.** Grounds for appeals are limited to the following:

~~a. Both Complainant and Respondent are allowed to appeal the summary determination ending the process, or a determination regarding responsibility in the Administrative Resolution Process or the finding(s) in the Hearing Panel Resolution Process. Grounds for appeals are limited to the following:~~

~~b.a.~~ A procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures, etc.);

~~c.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;

~~d.c.~~ The Equity Officer, 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

~~e.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 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. For Student and Student Organization Respondents, the Chancellor (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal; For Faculty Respondents, the President (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 Administrative Resolution or Hearing Panel Decision. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.

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). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
  - a. The request is timely;
  - b. The appeal is on the basis of any of the articulated grounds listed above; and
  - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within 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 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 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, Administrative Resolution determination, or Hearing Panel Resolution, 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 normally render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity

Resolution Appellate Officer will promptly notify the Parties in writing of the delay.

c. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.

6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.

**S.U. 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 time frame 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 through the applicable process.

**T.V. Records.** In implementing this policy, records of all Complaints, resolutions (including Conflict resolution and result therefrom, and Administrative Resolution and result therefrom), and hearings will be kept by the Equity Officer. 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. Each Equity Officer, including the Equity Officer for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a 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.

**U.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.

**V.X. Retaliation.** The University strictly prohibits retaliation against any person for making any good faith report of discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination or harassment. For matters involving discrimination or harassment other than sex discrimination under this policy, employees have an obligation to cooperate with University officials including the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer. For matters involving sex discrimination under this policy, no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law, 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. 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 Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by law, 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 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 applicable law, 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.

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 Equity Officer. The University will promptly investigate all complaints of retaliation in accordance with this policy.

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 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.

## **600.040 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**

Bd. Min. 2-5-15; Revised 7-28-20 with effective date of 8-14-20.

A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination policies. The procedures described below apply to such reports when the Respondent is a Faculty Member(s), a student(s), or a student organization. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the Equity Officer, the investigation may be conducted by an outside investigator. This procedure does not govern complaints alleging conduct that would be defined as sexual harassment under Section 600.020 of the Collected Rules and Regulations.

B. **Jurisdiction.** Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.040 of the Collected Rules and Regulations against Faculty Members, Students, or Student Organizations for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, and visitors or other members of the University community, or (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, or (3) if the conduct is related to the Faculty Member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the Faculty Member is serving in the role of a University employee.

If a Complainant simultaneously alleges or the investigation suggests violations of the University's Anti-Discrimination Policies and (1) violation, misinterpretation, or arbitrary application of another written University rule, policy, regulation, or procedure which applies personally to the Faculty member; and/or (2) that there has been an infringement on the academic freedom of the Faculty member, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process. In conducting such investigations, the Provost, Equity Officer, and/or the Investigator may consult with and/or seek guidance from the Human Resources staff or other appropriate administrators as necessary.

If a Complainant alleges or the investigation suggests that a student conduct policy violation occurred in concert with the alleged violation of the University's Anti-Discrimination Policies, the University shall have the authority to investigate and take appropriate action regarding each of the alleged violations of the student conduct policy pursuant to this Equity Resolution Process. In conducting such investigations,

the Equity Officer and/or the Investigator may consult with and/or seek guidance from the Student Conduct Coordinator or Residential Life Coordinator as appropriate. If a Complainant alleges or the investigation suggests that a discrimination or harassment policy violation as defined in Section 600.010 of the Collected Rules and Regulations occurred in concert with an alleged violation of the University's Title IX policies, the University shall investigate and take appropriate action regarding the alleged violation(s) of the discrimination or harassment policy pursuant to University's Title IX process. If the allegation(s) in the Complaint that fall under the Title IX policy are dismissed, the University may discontinue the process under the Title IX policy and then proceed under this equity resolution process for any remaining reports of alleged violation(s) of Section 600.010 in the Complaint.

**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.

**C. Definitions:**

1. **Administrative Resolution.** A voluntary resolution process where a decision-maker makes a finding on each of the alleged policy violations in a Complaint and a finding on sanctions and remedies without a hearing.
2. **Chair of the Hearing Panel ("Panel Chair").** A Chair of the Hearing Panel for a specific Complaint is designated by the Hearing Panelist Pool Chair. The Pool Chair may serve as the Chair of the Hearing Panel for a specific Complaint.
3. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will appropriately respond to reports of a violation of the University's Anti-Discrimination policies and if the University decides to pursue a report of discrimination through the applicable equity resolution process, the University will act as the Complainant.
4. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.
5. **Conflict Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, or restorative justice.
6. **Equity Resolution Appellate Officer.** For Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by

- the Chancellor (or Designee) to hear all requests for reconsideration of summary determination and appeals stemming from the Equity Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
7. **Equity Resolution Hearing Panel ("Hearing Panel").** A group of three (3) trained Equity Resolution Hearing Panelist Pool members who serve as the Hearing Panel for a specific Complaint. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member.
  8. **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.
  9. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's Designee.
  10. **Equity Support Person:** An individual selected by a Party to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Equity Support Person.
  11. **Faculty Member.** For purposes of Section 600.040, Faculty Member includes all regular and non-regular academic staff appointments as defined in Sections 310.020 and 310.035 of the Collected Rules and Regulations.
  12. **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 Complaint. The Pool Chair may serve as a panel member for a specific Complaint.
  13. **Hearing Panel Resolution.** Resolution of a Complaint by an Equity Resolution Hearing Panel making the finding on each of the alleged policy violations. In faculty matters, the Hearing Panel will make recommendations as to any sanctions, if applicable, and the Provost will make the finding on sanctions. In matters involving students or student organizations, the Hearing Panel will make a finding on sanctions and remedial actions.
  14. **Investigators.** Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
  15. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
  16. **Record of the Case.** The Record of the Case in the Section 600.040 Process includes, when applicable: All Notices to the Parties, investigative report, recordings of Party and witness interviews, exhibits used at a hearing, 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.

17. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
  18. **Respondent.** "Respondent" refers to the Faculty Member(s) or student(s) or student organization alleged to have violated the University's Anti-Discrimination Policies.
  19. **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.
  20. **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.
  21. **Summary Resolution.** Resolution of the Complaint upon a determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
  22. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations (CRR).
- D. **Making a Report.** Any person (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment) may report discrimination or harassment to the Equity Officer. A report 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 Equity Officer, by an online portal set up by the University for this purpose, or by any other means that results in the Equity Officer 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 and Inquiry.** Upon receiving a report, the Equity Officer 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 availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the identity of the Complainant is unknown, the Equity Officer may conduct a limited investigation sufficient to identify the Complainant to the extent possible.
- In addition to making preliminary contact, the Equity Officer shall conduct a preliminary inquiry to gather enough information to make a threshold decision regarding whether the report describes a possible violation of the University's anti-discrimination policies.
- If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.

**F. Filing a Complaint.**

A Complaint is a document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation. As used herein, the phrase "document filed and signed by a complainant" means a document or electronic submission (such as by electronic mail or through 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 Complaint.

All Complaints alleging discrimination or harassment under this policy will be investigated. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Where the Equity Officer prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.

The University may consolidate Complaints as to allegations of discrimination or 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 discrimination or harassment, arise out of the same facts or circumstances. 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 Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
  - b. Notice of the allegations of discrimination and/or 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 discrimination and/or 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 Equity Resolution process.
  - d. A statement notifying the Parties of the availability of supportive measures.
  - e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
  - f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.

- g. 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 Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
  - h. 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 grievance 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.
  - i. A statement that nothing in the Equity 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.
  - j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer 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 or reply email requested. If a read-receipt or reply email is not returned within three (3) business days 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, Emergency Removal, Interim Suspension of Student Organization, and Administrative Leave**
1. **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 Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and 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 Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:
- a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
  - b. Mutual restrictions on contact between the Parties.
  - c. Providing campus escort services to the Parties.
  - d. Increased security and monitoring of certain areas of the campus.

- e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or Respondent, as appropriate.
  - f. If either Party is a student:
    - (1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
    - (2) Adjusting the courses, assignments, and/or exam schedules of the Party.
    - (3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
  - g. Providing limited transportation accommodations for the Parties.
  - h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
2. **Emergency Removal.** The Equity Officer may implement a removal of a Respondent from the University's education program or activity on an emergency basis, if the Equity Officer, 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 discrimination or 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 Equity Officer either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days following the Removal. Any challenge by Respondent shall be made in writing and directed to the Equity Officer and must show cause why the Removal should not be implemented. The Equity Officer will forward the 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 under applicable University conduct policy.
3. **Interim Suspension of Student Organization.** The Equity Officer may suspend, 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 Equity Process when the Equity Officer 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.
4. **Administrative Leave.** The Equity Officer may implement 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 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 but not limited to the Investigator, Equity Officer, Provost (or Designee), the Hearing Panel, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent

evidence or refusal to cooperate with the Investigator, Equity Officer, Provost (or Designee), 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. For purposes of this policy, "refusal to cooperate" does not include refusal to participate in any proceedings involving sex discrimination. 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 Equity Resolution 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 an Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict or Administrative 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 Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
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 request reconsideration of the summary determination ending the process, and appeal the determination of a hearing panel or decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process.
15. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.040.H.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.

16. Additional Rights for Hearing Panel Resolution:

- a. To receive notice of a hearing.
- b. To have the names of witnesses that may participate in the hearing and copies of all 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 Panel Chair or by failure to appear.
- d. To have present an Equity Support Person during the hearing and to consult with such Equity Support Person during the hearing.
- e. To request to have an Equity Support Person of the University's selection appointed for a Student Party where the Student Party does not have an Equity Support Person of their own choice at a hearing.
- f. To testify at the hearing or refuse to testify at the hearing.
- g. To have an equal opportunity to present witnesses and documents deemed relevant by the Hearing Panel Chair, and to question witnesses present and testifying at the hearing.
- h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.

- K. **Role of Equity Support Persons.** Each Complainant and Respondent is allowed to have one Equity Support Person of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whomever they wish to serve as their Equity Support Person, including an attorney or parent.

If requested by a Student Party, the Equity Officer may assign an Equity Support Person to explain the Equity Resolution process and attend interviews, meetings and proceedings with a Student Party. University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Parties may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity 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 an Equity Support Person. The Equity Support Person may not make a presentation or represent the Complainant or Respondent during the hearing. At the hearing, the Parties are expected to ask and respond to questions on their own behalf, without representation by the Equity Support Person. The Equity Support Person may consult with the Party quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the Party to the hearing panelists. If the Equity Support Person fails to follow these guidelines, they will be warned or dismissed from the hearing at the discretion of the Hearing Panel Chair.

- L. **Investigation.** Upon the initiation of a formal investigation, the Equity Officer will promptly appoint a trained Investigator or a team of trained Investigators to investigate the Complaint.

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

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 Equity Resolution process.

The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. The Parties may present 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 an Equity Support Person of their choice, who may be, but is not required to be, an attorney; however, the Equity Support Person may only participate in the proceedings as set forth in this policy.

The Investigator(s) will make reasonable efforts to conduct interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer. This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The final investigative report will fairly summarize the relevant evidence.

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 discrimination or harassment should be completed expeditiously, normally within thirty (30) business days of the filing of the Complaint. Investigation of a Complaint may take longer based on the nature and circumstances of the 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 Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity 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 Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer 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, discrimination, or harassment.

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

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

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

The Parties may request that the Equity Resolution Appellate Officer reconsider summary determination ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, the Equity Resolution Appellate Officer will reverse the determination ending the process and direct the process to continue pursuant to this policy. The Equity Resolution Appellate Officer will simultaneously send the Parties notice of their decision. This decision to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer that there is not a sufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will simultaneously be sent written notification of the decision. This decision to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

- O. **Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict 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 Complaint or a right to a hearing. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative or Hearing Panel Resolution Process and either Party can stop the Conflict Resolution Process at any time and request either the Administrative Resolution Process or Hearing Panel Resolution Process. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer 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. In Conflict Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Equity Support Person may attend the Conflict 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 Equity Officer for review and referral to the appropriate University

Process for discipline or sanctions. The Equity Officer will keep records of any Conflict Resolution that is reached.

In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred back to the Administrative or Hearing Panel Resolution process. The content of the Parties' discussion during the Conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative or Hearing Panel Resolution processes. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred. Among the resolutions which may be reached at this stage (or at any point prior to a finding through Administrative or Hearing Panel Resolution), the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the Equity Officer accepts the Respondent's proposal, the Respondent must sign a Voluntary Permanent Separation and General Release agreement to effectuate their separation and terminate the Equity Resolution process.

P. **Procedural Details for Administrative Resolution and Hearing Panel Resolution.** For both the Administrative Resolution and Hearing Panel Resolution, which are described in more detail below, the following will apply:

1. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
2. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
3. 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 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.
  - 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.
- 4. The Respondent may not directly question the Complainant and the Complainant may not directly question the Respondent. However, if both Complainant and Respondent request the opportunity, direct questioning between the Parties will be permitted in the Hearing Panel Resolution Process. Otherwise written questions will be directed to the Chair in the Hearing Panel Resolution Process, and those questions deemed appropriate and relevant will be asked on behalf of the requesting Party.
- 5. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the 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.
- 6. At any time prior to the deadline in the Notice of Administrative Resolution, the Complainant and/or the Respondent may request that the Complaint shift from the Administrative Resolution process to the Hearing Panel Resolution process. Upon receipt of such timely request from either Party, the Complaint will shift to the Hearing Panel Resolution Process.
- 7. The Resolution Processes may proceed regardless of whether the Respondent chooses to participate in the investigation, the finding or the hearing.
- 8. The Administrative Resolution or Hearing Panel Resolution Process will normally be completed within a reasonably prompt time period, not to exceed one hundred twenty (120) days, following the Equity Officer's receipt of a Complaint. Unusual delays will be promptly communicated to both Parties.
- 9. For good cause, the decision-maker may, in their discretion, grant reasonable extensions to the time frames and limits provided.

**Q. Administrative Resolution:**

- 1. Administrative Resolution can be pursued for any behavior that falls within the University's Anti-Discrimination Policies. Administrative Resolution may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.
- 2. The Administrative Resolution process consists of:
  - a. A prompt, thorough and impartial investigation;
  - b. A separate meeting with each Party and their Equity Support Person, if any, and the decision-maker, if requested;
  - c. A written finding by the decision-maker on each of the alleged policy violations:
    - (1) For Faculty Respondents by the Provost (or Designee)
    - (2) For Student/Student Organization Respondents by the Equity Officer
  - d. A written finding on sanctions for findings of responsibility:
    - (1) For Faculty Respondents by the Provost
    - (2) For Student/Student Organization Respondents by the Equity Officer
- 3. 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 decision-maker will send a letter (Notice of Administrative Resolution) to the Parties containing 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 an Equity Support Person of their choosing at the meeting with the decision-maker, though the Equity Support Person's attendance at the meeting is the responsibility of the respective Parties.
  - g. The option and the deadline of ten (10) business days from the date of the Notice to request in writing that the matter be referred to the Hearing Panel Resolution process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
4. The Notice of Administrative Resolution 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. Within ten (10) business days from the date of the Notice of Administrative Resolution, the Parties have the right to have the matter referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
  6. 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 attempt to meet separately with the Complainant and the Respondent, and their Equity 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 utilizing the preponderance of the evidence standard. For Faculty Respondents, the Provost's Designee may recommend appropriate sanctions and remedial actions but only the Provost will find sanctions or remedial actions. The findings and sanctions are subject to appeal.
  7. The 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.

8. Either Party may appeal a decision under Administrative Resolution in accordance with Section T of this policy.

#### R. **Hearing Panel Resolution**

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 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. Panelists 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 Equity Officer. Under such circumstances, the Equity Officer will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.
2. **Equity Resolution Hearing Panel ("Hearing Panel").** When a Complaint is not resolved through the Administrative Resolution Process, the Hearing Panelist Pool Chair will randomly select three (3) members from the Hearing Panelist Pool to serve on the specific Hearing Panel. 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 Equity Officer 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 or attachment of the applicable procedures.
    - (3) A statement that the Parties may have the assistance of an Equity Support Person of their choosing, at the hearing; at the hearing, though the Equity Support Person's attendance at the hearing is the responsibility of the respective Parties.
    - (4) The time, date and location of the hearing.
    - (5) A list of the names of each of the Hearing Panel members and alternates, 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 is available to the Parties and instructions regarding how to request access to that information.
- (8) 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.
- d. 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.

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

- a. Hearing Panel members 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 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 in the Notice of Hearing. Should any Complainant or Respondent object to any panelist, they must raise all objections, in writing, to the Equity Officer at least fifteen (15) business days prior to the hearing.
- c. Hearing panel members will only be unseated and replaced if the Equity Officer 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 Equity Officer determines that a Hearing Panel member should be unseated and replaced, then the Equity Officer will ask the Hearing Panel Pool Chair to randomly select another member from the pool to serve on the Hearing Panel. The Equity Officer will provide a written response to all Parties addressing any objections to the Hearing Panel members.

6. **Request for Alternative Attendance or Questioning Mechanisms.** The Chair of the Hearing Panel, in consultation with the Parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator(s) in the investigative report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the Parties.

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 and their legal advisor, if any, the Parties and their Equity Support Person, and the Investigator, to simultaneously see and hear the Party or the witness answering questions. Should any hearing take place in this manner, the Equity Officer (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 Chair of the Hearing Panel may grant requests to reschedule the hearing date.
8. **Conduct of Hearing.** The Chair of the Hearing Panel ("Chair" in this subsection) shall preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted, and establish the presence of any Equity Support Persons. Formal rules of evidence shall not apply.

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

- (1) **Investigator's Report and Testimony.** The Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent and the Hearing Panel. The Investigator may also submit documentary evidence. The investigator(s) will remain present during the entire hearing process.

- (2) **Complainant's Evidence.** The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent (through the Hearing Panel Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.

- (3) **Respondent's Evidence.** The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through

the Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.

(4) **Record of Hearing.** The Chair of the Hearing Panel shall arrange for recording of the hearing, whether by audio, video, digital or stenographic means. The recording of the hearing will become part of the Record of the Case in the Section 600.040 Process.

**9. Process Rules and Rights of the Hearing Panel.**

- a. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Chair, whose ruling shall be final, unless the Chair shall present the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.
- b. To question witnesses or evidence introduced by the Investigator, the Complainant or the Respondent at any time during the hearing process.
- c. To call additional witnesses and submit documentary evidence.
- d. To exclude a witness proposed by the Investigator, the Complainant or the Respondent if it is determined their testimony would be redundant or not relevant.
- e. To dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chair of the Hearing Panel.
- f. To have present a legal advisor to the Hearing Panel, who shall be designated by the Office of the General Counsel.
- g. To have the names of witnesses that may be called by the Investigator, the Complainant and the Respondent, all relevant documentary evidence that may be introduced by those Parties, and a complete copy of the investigative report at least five (5) business days prior to the hearing.
- h. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Chair, whose ruling shall be final unless the Chair shall present the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.

**10. Findings 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).
- b. If a Student or Student Organization Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine the appropriate sanctions which will be imposed by the Equity Officer. If a Faculty Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will recommend appropriate sanctions to the Provost, who will determine and impose the appropriate sanctions.
- c. The Hearing Panel Chair will prepare a written determination regarding responsibility ("Hearing Panel Decision") and deliver it to the Provost (or

Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents) detailing the following:

- (1) Identification of the allegations potentially constituting discrimination or harassment, as defined in CRR 600.010, and the determination of the Hearing Panel.
- (2) A description of the procedural steps taken from the receipt of the 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 and any information the Hearing Panel excluded from its consideration and why;
- (4) Conclusions regarding the application of the University's Anti-Discrimination policies to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- (6) For Student Respondents, 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;
- (7) For Faculty Respondents, any disciplinary sanctions the Hearing Panel recommends to be imposed on the Respondent and any recommended remedies designed to restore or preserve equal access to the University's education programs or activities to be provided by the University to the Complainant; and
- (8) The procedures and permissible bases for the Complainant and the Respondent to appeal.

- d. The Hearing Panel Decision will be provided to the Equity Officer (for Student Respondents) within five (5) business days of the end of deliberations. The Hearing Panel Decision will be provided to the Provost (or Designee) (for Faculty Respondents) within five (5) business days of the end of deliberations.
- e. The Provost (or Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents) will inform the Respondent and the Complainant simultaneously of the Hearing Panel Decision and the Provost's finding of sanctions, if applicable, within five (5) business days of receipt of the Hearing Panel Decision; such notification will be sent 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.
- f. 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.
- g. The Equity Officer is responsible for effective implementation of any remedies.

#### **S. Sanctions and Remedial Actions.**

1. **Factors Considered When Finding Sanctions/Remedial Actions.** When recommending or imposing sanctions and/or remedial actions, factors to consider include but are not limited to the following:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - c. The need for sanctions/remedial actions to bring an end to the conduct;
  - d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
  - e. The need to remedy the effects of the conduct on the Complainant and the University community; and
  - f. Any other information deemed relevant by the decision-maker(s).
2. **Types of Sanctions.**
  - a. The following sanctions may be imposed upon any Faculty Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
    - (1) Warning - verbal or written;
    - (2) Performance Improvement Plan;
    - (3) Required counseling;
    - (4) Required training or education;
    - (5) Loss of annual pay increase;
    - (6) Loss of supervisory responsibility;
    - (7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;
    - (8) For Non-Regular Faculty, immediate termination of term contract and employment;
    - (9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;
    - (10) Suspension without pay;
    - (11) Non-renewal of appointment; and
    - (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.
  - b. The following sanctions may be imposed upon any Respondent Student or Respondent Student Organization found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
    - (1) **Warning.** A notice in writing to the Respondent Student or Respondent Student Organization that there is or has been a violation of institutional regulations.
    - (2) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Respondent Student or Respondent Student Organization is found to be violating any

institutional regulation(s) during the probationary period.

(3) **Loss of Privileges.** Denial of specified privileges for a designated period of time.

(4) **Restitution.** Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.

(5) **Discretionary Sanctions.** Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming or counseling.

(6) **Residence Hall Suspension.** Separation of the Respondent Student from the residence halls for a definite period of time, after which the Respondent Student is eligible to return. Conditions for readmission may be specified.

(7) **Residence Hall Expulsion.** Permanent separation of the Respondent Student from the residence halls.

(8) **Campus Suspension.** Respondent 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 Officer (or Designee).

(9) **University System Suspension.** Separation of the Respondent Student from the University System for a definite period of time, after which the Respondent Student 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 Student from the University System.

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

(1) Where the Complainant is a student:

- (a) Permitting the student to retake courses;
- (b) Providing tuition reimbursement;
- (c) Providing additional academic support;
- (d) Removal of a disciplinary action; and
- (e) Providing educational and/or on-campus housing accommodations.

(2) Where the Complainant is an employee:

- (a) Removal of a disciplinary action;
- (b) Modification of a performance review;
- (c) Adjustment in pay;
- (d) Changes to the employee's reporting relationships; and
- (e) Workplace accommodations.

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

d. **When Implemented.**

(1) Sanctions imposed against Student Respondents are stayed until the end of any appeal period or once an appeal, if any, is final, unless the Equity Officer determines the sanctions should be imposed immediately.

(2) Sanctions against Staff Respondents shall be implemented immediately.

(3) Sanctions against Faculty Respondents shall be implemented immediately; however, for Regular, Tenured Faculty Respondents, the sanction of suspension without pay will be a suspension with pay while the appeal is pending, but not for the duration of any dismissal for cause proceedings.

(4) When the sanction is termination, actual termination will be stayed until the end of any appeal period or once an appeal, if any, is final; however, the Respondent will be suspended without pay during any appeal period or once an appeal, if any, is final.

3. **Withdrawal While Charges Pending.** Should a Respondent decide to leave the University and not participate in the investigation and/or hearing without signing a Voluntary Permanent Separation and General Release Agreement and without the approval of the Equity Officer, the Complaint may be dismissed, or the Equity Officer 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.

T. **Appeal.** Both Complainant and Respondent are allowed to appeal a determination regarding responsibility in the Administrative Resolution Process or the finding(s) in the Hearing Panel Resolution Process.

1. **Grounds for appeal.** Grounds for 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 Equity Officer, 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 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. For Student and Student Organization Respondents, the Chancellor (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal; For Faculty Respondents, the President (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 Administrative Resolution or Hearing Panel Decision. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.

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). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
  - a. The request is timely;
  - b. The appeal is on the basis of any of the articulated grounds listed above; and
  - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within 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 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 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, Administrative Resolution determination, or Hearing Panel Resolution, 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 normally render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  - c. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.
6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.

- U. **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 time frame 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 through the applicable process.
- V. **Records.** In implementing this policy, records of all Complaints, resolutions (including Conflict resolution and result therefrom, and Administrative Resolution and result therefrom), and hearings will be kept by the Equity Officer. 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.
- Each Equity Officer, including the Equity Officer for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a 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.
- 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. **Retaliation.** The University strictly prohibits retaliation against any person for making any good faith report of discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination or harassment. For matters involving discrimination or harassment other than sex discrimination under this policy, employees have an obligation to cooperate with University officials including the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer. For matters involving sex discrimination under this policy, no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law, 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. 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 Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by law, 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 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 applicable law, 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. 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 Equity Officer. The University will promptly investigate all complaints of retaliation in accordance with this policy. 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 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.

# 600.050 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

Bd. Min. 2-5-15; Amended 2-9-17 with effective date of 3-1-17; Amended 7-28-20 with an effective date of 8-14-20.

- A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination Policies. The procedures described below apply to such reports when the Respondent is a Staff Member, or when the Respondent is not an individual actor but rather the University of Missouri, one of the Universities within the University of Missouri System, or one of its or their educational programs, departments, or other institutional entities, except as noted herein. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the System Equity Officer, the investigation may be conducted by an outside investigator. This procedure does not govern complaints alleging discriminatory denial of coverage under any University health plan, which complaints shall be processed pursuant to the University's applicable grievance process. Further, this procedure does not apply to complaints alleging conduct that would be defined as sexual harassment under Section 600.020 of the Collected Rules and Regulations.
- 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, and visitors 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. The University may further take appropriate action, including, but not limited to, the imposition of remedial actions under Section 600.050 of the Collected Rules and Regulations for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, or visitors or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, or (3) if the conduct occurs when staff or faculty members are serving in the role of University employees. If a Complainant alleges or the investigation suggests that a discrimination or harassment policy violation as defined in Section 600.010 of the Collected Rules and

Regulations 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 violation(s) of the discrimination or harassment policy pursuant to University's Title IX process. If the allegation(s) in the Complaint that fall under the Title IX policy are dismissed, the University may discontinue the process under the Title IX policy and then proceed under this Equity Resolution Process for any remaining reports of alleged violation(s) of Section 600.010 in the Complaint.

Further, if a Complainant simultaneously alleges or the investigation suggests that violations of the University's Anti-Discrimination Policies and disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of a policy, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process. In conducting such investigations, the Equity HR Officer or Equity Officer, and/or the Investigator may consult with and/or seek guidance from Human Resources staff or appropriate administrators as necessary.

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

D. **Definitions:**

1. **Administrative Resolution.** The equity resolution process of a Complaint by making a finding on each of the alleged policy violations and finding on sanctions without a hearing.
2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable Equity Resolution Process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable Equity Resolution Process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to reports of a violation of the University's Anti-Discrimination Policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.
3. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.
4. **Conflict Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, or restorative justice.

5. **Designated Administrator.** Designated Administrators are administrators selected by the System Chief Diversity Officer to assist in the Administrative Resolution process.
6. **Equity Human Resources Officer ("Equity HR Officer").** The Equity Human Resources Officers ("Equity HR Officer") are trained human resources and/or equity administrators designated by either the Chancellor (or Designee) for University Staff Members and MU Health Staff Members or the President (or Designee) for System Staff Members to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies.
7. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer, or the Equity Officer's designee.
8. **Equity Resolution Appellate Officers.** Equity Resolution Appellate Officers are trained, senior-level administrators who hear all requests for reconsideration of summary determination and appeals stemming from the Equity Resolution Process, and are designated by either the Chancellor (or Designee) for University Staff Members or Health System Staff Members Respondents, or the President (or Designee) for System Staff Members or University Respondents.
9. **Equity Support Person.** The individuals selected by a Party to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Equity Support Person.
10. **Investigators.** Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
11. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
12. **Record of the Case.** The Record of the Case in the Section 600.050 Process includes, when applicable: Letter(s) of Notice, investigative report and exhibits; the finding on each of the alleged policy violations and sanctions by the decision-maker and the decision on appeal, including the request for appeal, any additional evidence submitted for appeal, and written arguments of the parties, if applicable.
13. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
14. **Respondent.** "Respondent" refers to the staff member or members alleged to have violated the University's Anti-Discrimination Policies, or the University of Missouri, one of the Universities within the University of Missouri System, or one of its or their academic programs, departments, or other institutional entities, depending on the nature of the report. If the University of Missouri is the Respondent, the Equity Officer will designate the Respondent representative, consistent with the below guidelines:
  - a. For institutional complaints involving recruitment and admissions, the Respondent shall normally be represented by the Director of Admissions.
  - b. For institutional complaints involving treatment in educational programs, the Respondent shall normally be represented by the appropriate department head.

- c. For institutional complaints involving nonacademic matters related to campus living and student life, the Respondent shall normally be represented by the appropriate administrative supervisor, department head, and/or director.
  - d. For institutional complaints arising out of employment, the Respondent shall normally be represented by the supervisor, department head, or director of the employing unit.
  - e. For institutional complaints relating to financial aid decisions, the Respondent shall normally be the Director of Student Financial Aid where the application for financial aid was originally filed or the award originally made.
15. **Staff Members.** Staff members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III. When academic administrators are acting in their administrative, at-will role, Complaints against them will be processed pursuant to this Equity Resolution Process.
16. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
17. **Supervisor.** The individual or individuals who have authority to terminate the Respondent's employment. If a supervisor has a conflict as determined by the Equity Officer, the Equity HR Officer will determine the appropriate manager to act as the Supervisor for purposes of this rule.
18. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations.
- E. **Making a Report.** Any person (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment) may report discrimination or harassment to the Equity Officer. A report 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 Equity Officer, by an online portal set up by the University for this purpose, or by any other means that results in the Equity Officer receiving the person's verbal or written report. Individuals may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Parties and witnesses accused of minor student conduct violations ancillary to the incident.
- F. **Preliminary Contact and Inquiry.** Upon receiving a report, the Equity Officer 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 availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the identity of the Complainant is unknown, the Equity Officer may conduct a limited investigation sufficient to identify to Complainant to the extent possible.
- In addition to making preliminary contact, the Equity Officer shall conduct a preliminary inquiry to gather enough information to make a threshold decision regarding whether the report describes a possible violation of the University's anti-discrimination policies.

If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.

**G. Filing a Complaint.**

A Complaint is a document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation. As used herein, the phrase "document filed and signed by a complainant" means a document or electronic submission (such as by electronic mail or through 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 Complaint.

All Complaints alleging discrimination or harassment under this policy will be investigated. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Where the Equity Officer prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.

The University may consolidate Complaints as to allegations of discrimination or 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 discrimination or harassment, arise of the same facts or circumstances. 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.

**H. Notice of Allegations:**

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
  - b. Notice of the allegations of discrimination and/or 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 discrimination and/or 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 Equity Resolution process.
  - d. A statement notifying the Parties of the availability of supportive measures.

- e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
  - f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
  - g. 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 Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
  - h. 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 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.
  - i. A statement that nothing in the Equity 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.
  - j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer 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 or reply email requested. If a read-receipt or reply email is not returned within ~~one~~ three (13) business days 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.

### I. Supportive Measures and Administrative Leave

- 3.1. 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 Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and 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 Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:

- a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
- b. Mutual restrictions on contact between the Parties.
- c. Providing campus escort services to the Parties.
- d. Increased security and monitoring of certain areas of the campus.
- e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or Respondent, as appropriate.
- f. If either Party is a student:
  - (1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
  - (2) Adjusting the courses, assignments, and/or exam schedules of the Party.
  - (3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
- g. Providing limited transportation accommodations for the Parties.
- h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.

~~4.2.~~ **Administrative Leave.** The Equity Officer may ~~implementing~~ an administrative leave for an employee in accordance with University Human Resources Policies.

~~4.J.~~ **Employees and Students Participating in the Equity Resolution Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including to the Investigator, the Equity HR Officer (or Designee), the Equity Officer, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Equity HR Officer (or Designee), the Equity Officer, 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 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. For purposes of this policy, "refusal to cooperate" does not include refusal to participate in any proceedings involving sex discrimination. 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 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.

~~4.K.~~ **Rights of the Parties 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 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 an Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict Resolution Process.
7. To receive prior to Administrative Resolution, 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 Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
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 request reconsideration of the~~ summary determination ending the process, and appeal the determination of a decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process under this policy.
15. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.050.I.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.

**K.L. Role of Equity Support Persons.** Each Complainant and Respondent is allowed to have one Equity Support Person of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whomever they wish to serve as their Equity Support Person, including an attorney. An Equity Support Person is not required and any Party may elect to proceed without an Equity Support Person.

If Complainant is a student, they may request that the Equity Officer assign an Equity Support Person to provide support throughout the Equity Resolution Process.

University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity 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 an Equity Support Person.

**L.M. Investigation.** Upon the initiation of a formal investigation, the Equity Officer will promptly appoint a trained Investigator or a team of trained Investigators to investigate the Complaint.

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

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 Equity Resolution process.

The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. The Parties may present witnesses and other inculpatory and exculpatory evidence; all such evidence must be relevant. A Party whose participation is expected or invited at an interview or meeting shall receive written notice of the date, time, location, participants, and purpose of all meetings or investigative interviews with sufficient time for the Party to prepare to participate.

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

The Investigator(s) will make reasonable efforts to conduct interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer. This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The final investigative report will fairly summarize the relevant evidence.

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

**M.N. 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 Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity 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 Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer 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, discrimination, or harassment.

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

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

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

~~Upon a summary determination ending the process, the University will promptly send written notice of the summary determination and reason(s) therefor simultaneously to the Parties.~~

The Parties may request that the Equity Resolution Appellate Officer reconsider ~~appeal a~~ summary determination ending the process ~~in accordance with Section S. If the summary determination ending the process is reversed, by filing a written request with~~ the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, the Equity Resolution Appellate Officer will reverse the determination ending the process and will direct the process to continue pursuant to this policy. The Equity Resolution Appellate Officer will simultaneously send the Parties notice of their decision. This decision to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer that there is not a sufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will simultaneously be sent written notification of the decision. This decision to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted

~~O.P.~~ **Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict 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 Complaint or a right to Administrative Resolution. 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. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer 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.

In Conflict Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible.

The Complainant's and the Respondent's Equity Support Person may attend the Conflict 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 Equity Officer for review and referral to the appropriate University Process for discipline or sanctions. The Equity Officer will keep records of any Conflict Resolution that is reached.

In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred back to the Administrative Resolution process. The content of the Parties' discussion during the Conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative Resolution Process. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

**P-Q. Administrative Resolution.**

1. **Procedural Details for Administrative Resolution.** The Administrative Resolution process is a process whereby decision-makers will meet with the Parties and their Equity 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. For the Administrative Resolution Process, which is described in more detail below, the following will apply:
  - a. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
  - b. The decision-makers have the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:
    - (1) 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.
    - (2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-makers.
    - (3) 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-makers.
    - (4) 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.

(5) The decision-makers 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.

- c. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-makers 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.
- d. The Administrative Resolution Process may proceed regardless of whether the Respondent chooses to participate in the investigation or the finding.
- e. The Administrative Resolution Process will normally be completed within a reasonably prompt time period, not to exceed one hundred twenty (120) days, following the Equity Officer's receipt of a Complaint. Unusual delays will be promptly communicated to both Parties.
- f. For good cause, the Equity Officer (for University Respondents), or Equity HR Officer (for Staff Respondents) may, in their discretion, grant reasonable extensions to the timeframes and limits provided.

## 2. **Process for Administrative Resolution**

Administrative Resolution 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 separate meeting with each Party and their Equity Support Person, if any, and the joint decision-makers, if requested;
- c. A joint finding by designated decision-makers. For Complaints against a Staff member as a Respondent, a joint finding will be issued by the Equity HR Officer and Supervisor on each of the alleged policy violations and sanctions and remedial actions, if any, for findings of responsibility. For Complaints against the University of Missouri as a Respondent, a joint finding will be issued by the Equity Officer and Designated Administrator on each of the alleged policy violations and remedial actions for findings of responsibility.

At least fifteen (15) business days prior to meeting with the decision-makers or if no meeting is requested, at least fifteen (15) business days prior to the decision-makers rendering a finding(s), the Equity Officer (for University Respondents) or Equity HR Officer (for Staff Respondents) will send a letter (Notice of Administrative Resolution) containing the following information to the Parties:

- d. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
- e. Reference to or attachment of the applicable procedures.
- f. A copy of the final Investigative Report.
- g. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-makers.
- h. An indication that the Parties may have the assistance of an Equity Support Person of their choosing at the meeting with the decision-

makers, though the Equity Support Person's attendance at the meeting is the responsibility of the respective Parties.

The Notice of Administrative Resolution 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.

The Investigator(s) will also provide a copy of the final Investigative report to the Equity HR Officer and Supervisor (if Staff Respondent) or to the Equity Officer and Designated Administrator (if University Respondent).

The decision-makers can, but are not required to, meet with and question the Investigator(s) and any identified witnesses. The decision-makers may request that the Investigator(s) conduct additional interviews and/or gather additional information. The decision-makers will attempt to meet separately with the Complainant and the Respondent, and their Equity 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-makers will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the decision-makers will render a joint finding utilizing the preponderance of the evidence standard. The decision-makers will also render a finding on appropriate sanctions or remedial actions, if applicable. The joint finding(s) are subject to appeal.

The Equity HR Officer (if Staff Respondent) or the Equity Officer (if University Respondent) will inform the Respondent and the Complainant simultaneously of the joint finding on each of the alleged policy violations and the joint finding on sanctions for findings of responsibility, if applicable, within ten (10) business days of the last meeting with any Party or witness. Notice will be made to the Respondent and the Complainant simultaneously 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.

#### Q-R. **Sanctions and Remedial Actions**

1. If the Staff Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will determine sanctions and remedial actions. If the University is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity Officer and Designated Administrator will determine remedial actions.
2. Factors to be considered when finding sanctions and remedial actions may include:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - c. The need for sanctions/remedial actions to bring an end to the conduct;
  - d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
  - e. The need to remedy the effects of the conduct on the Complainant and the University community; and

- f. Any other information deemed relevant by the decision-maker(s).
3. **Types of Sanctions.** The following sanctions may be imposed upon any Staff Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
- a. Warning – verbal or written;
  - b. Performance improvement plan;
  - c. Required counseling;
  - d. Required training or education;
  - e. Loss of annual pay increase;
  - f. Loss of supervisory responsibility;
  - g. Demotion;
  - h. Suspension without pay;
  - i. Termination; and
  - j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.
4. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant for violations by a Staff Member or the University as a Respondent. The Equity Officer or Equity HR Officer is responsible for effective implementation of any remedial actions. Such remedial actions will vary depending on the circumstances of the policy violation(s), but may include:
- a. Where the Complainant is a student:
    - (1) Permitting the student to retake courses;
    - (2) Providing tuition reimbursement;
    - (4) Removal of a disciplinary action; and
    - (5) Providing educational and/or on-campus housing accommodations.
  - b. Where the Complainant is an employee:
    - (1) Removal of a disciplinary action;
    - (2) Modification of a performance review;
    - (3) Adjustment in pay;
    - (4) Changes to the employee's reporting relationships; and
    - (5) Workplace accommodations.
  - c. In addition, the University may offer or require training and/or monitoring as appropriate to address the effects of the violation(s) of the University's Anti-Discrimination Policies.
5. **When Implemented.** Sanctions and remedial actions are implemented immediately by the Equity Officer, unless the Equity Resolution Appellate Officer stays their implementation pending the outcome of the appeal.

**R.S. Appeal.** Both the Complainant and the Respondent are allowed to appeal the dismissal of a Complaint or any allegations therein, summary determination ending the process, or a determination regarding responsibility in the Administrative Resolution Process.

1. **Grounds for Appeal.** ~~Both the Complainant and the Respondent are allowed to appeal the dismissal of a Complaint or any allegations therein, summary determination ending the process, or a determination regarding responsibility in the Administrative Resolution Process.~~ Grounds for appeal are limited to the following:
  - a. A procedural irregularity that affected the outcome of the dismissal decision or the Administrative Resolution Process (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. That the Equity Officer, Equity HR Officer, Investigator(s), or other 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 disciplinary record of the Respondent.
2. **Requests for Appeal.** Both the Complainant and the Respondent may appeal 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) for University Staff Respondents, or the President (or Designee) for System Staff and University Respondents, 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 joint findings by the designated decision-makers. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.
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 written response to the request for appeal. The written 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;
  - b. The appeal is on the basis of any of the articulated grounds listed above; and
  - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within 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 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 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 pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.
  - b. The Equity Resolution Appellate Officer will provide a written decision on the appeal simultaneously to all Parties within ten (10) business days from accepting the request for appeal. This decision will describe the result of the appeal and the rationale for the result.
  - c. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  - d. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.
6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.

S.T. **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 through the applicable process.

T.U. **Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer. For purposes 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 a minimum of seven (7) years following final resolution. Each Equity Officer, including the Equity Officer for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a 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.

U.V. **Retaliation.** The University strictly prohibits retaliation against any person for making any good faith report of discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving

allegations of discrimination or harassment. For matters involving discrimination or harassment other than sex discrimination under this policy, employees have an obligation to cooperate with University officials including the Investigator, Equity Officer, Equity HR Officer, Supervisor, and/or the Equity Resolution Appellate Officer. For matters involving sex discrimination under this policy, no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law, 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. 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 Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by law, 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 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 applicable law, 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. 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 Equity Officer. The University will promptly investigate all complaints of retaliation in accordance with this policy.

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 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.

# 600.050 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

Bd. Min. 2-5-15; Amended 2-9-17 with effective date of 3-1-17; Amended 7-28-20 with an effective date of 8-14-20.

- A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination Policies. The procedures described below apply to such reports when the Respondent is a Staff Member, or when the Respondent is not an individual actor but rather the University of Missouri, one of the Universities within the University of Missouri System, or one of its or their educational programs, departments, or other institutional entities, except as noted herein. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the System Equity Officer, the investigation may be conducted by an outside investigator. This procedure does not govern complaints alleging discriminatory denial of coverage under any University health plan, which complaints shall be processed pursuant to the University's applicable grievance process. Further, this procedure does not apply to complaints alleging conduct that would be defined as sexual harassment under Section 600.020 of the Collected Rules and Regulations.
- 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, and visitors 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. The University may further take appropriate action, including, but not limited to, the imposition of remedial actions under Section 600.050 of the Collected Rules and Regulations for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, or visitors or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, or (3) if the conduct occurs when staff or faculty members are serving in the role of University employees.

If a Complainant alleges or the investigation suggests that a discrimination or harassment policy violation as defined in Section 600.010 of the Collected Rules and Regulations 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 violation(s) of the discrimination or harassment policy pursuant to University's Title IX process. If the allegation(s) in the Complaint that fall under the Title IX policy are dismissed, the University may discontinue the process under the Title IX policy and then proceed under this Equity Resolution Process for any remaining reports of alleged violation(s) of Section 600.010 in the Complaint.

Further, if a Complainant simultaneously alleges or the investigation suggests that violations of the University's Anti-Discrimination Policies and disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of a policy, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process. In conducting such investigations, the Equity HR Officer or Equity Officer, and/or the Investigator may consult with and/or seek guidance from Human Resources staff or appropriate administrators as necessary.

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

D. **Definitions:**

1. **Administrative Resolution.** The equity resolution process of a Complaint by making a finding on each of the alleged policy violations and finding on sanctions without a hearing.
2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable Equity Resolution Process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable Equity Resolution Process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to reports of a violation of the University's Anti-Discrimination Policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.
3. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.

4. **Conflict Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, or restorative justice.
5. **Designated Administrator.** Designated Administrators are administrators selected by the System Chief Diversity Officer to assist in the Administrative Resolution process.
6. **Equity Human Resources Officer ("Equity HR Officer").** The Equity Human Resources Officers ("Equity HR Officer") are trained human resources and/or equity administrators designated by either the Chancellor (or Designee) for University Staff Members and MU Health Staff Members or the President (or Designee) for System Staff Members to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies.
7. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer, or the Equity Officer's designee.
8. **Equity Resolution Appellate Officers.** Equity Resolution Appellate Officers are trained, senior-level administrators who hear all requests for reconsideration of summary determination and appeals stemming from the Equity Resolution Process, and are designated by either the Chancellor (or Designee) for University Staff Members or Health System Staff Members Respondents, or the President (or Designee) for System Staff Members or University Respondents.
9. **Equity Support Person.** The individuals selected by a Party to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Equity Support Person.
10. **Investigators.** Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
11. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
12. **Record of the Case.** The Record of the Case in the Section 600.050 Process includes, when applicable: Letter(s) of Notice, investigative report and exhibits; the finding on each of the alleged policy violations and sanctions by the decision-maker and the decision on appeal, including the request for appeal, any additional evidence submitted for appeal, and written arguments of the parties, if applicable.
13. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
14. **Respondent.** "Respondent" refers to the staff member or members alleged to have violated the University's Anti-Discrimination Policies, or the University of Missouri, one of the Universities within the University of Missouri System, or one of its or their academic programs, departments, or other institutional entities, depending on the nature of the report. If the University of Missouri is the Respondent, the Equity Officer will designate the Respondent representative, consistent with the below guidelines:
  - a. For institutional complaints involving recruitment and admissions, the Respondent shall normally be represented by the Director of Admissions.

- b. For institutional complaints involving treatment in educational programs, the Respondent shall normally be represented by the appropriate department head.
  - c. For institutional complaints involving nonacademic matters related to campus living and student life, the Respondent shall normally be represented by the appropriate administrative supervisor, department head, and/or director.
  - d. For institutional complaints arising out of employment, the Respondent shall normally be represented by the supervisor, department head, or director of the employing unit.
  - e. For institutional complaints relating to financial aid decisions, the Respondent shall normally be the Director of Student Financial Aid where the application for financial aid was originally filed or the award originally made.
15. **Staff Members.** Staff members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III. When academic administrators are acting in their administrative, at-will role, Complaints against them will be processed pursuant to this Equity Resolution Process.
16. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
17. **Supervisor.** The individual or individuals who have authority to terminate the Respondent's employment. If a supervisor has a conflict as determined by the Equity Officer, the Equity HR Officer will determine the appropriate manager to act as the Supervisor for purposes of this rule.
18. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations.
- E. **Making a Report.** Any person (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment) may report discrimination or harassment to the Equity Officer. A report 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 Equity Officer, by an online portal set up by the University for this purpose, or by any other means that results in the Equity Officer receiving the person's verbal or written report. Individuals may also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Parties and witnesses accused of minor student conduct violations ancillary to the incident.
- F. **Preliminary Contact and Inquiry.** Upon receiving a report, the Equity Officer 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 availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the identity of the Complainant is unknown, the Equity Officer may conduct a limited investigation sufficient to identify to Complainant to the extent possible.

In addition to making preliminary contact, the Equity Officer shall conduct a preliminary inquiry to gather enough information to make a threshold decision regarding whether the report describes a possible violation of the University's anti-discrimination policies.

If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.

**G. Filing a Complaint.**

A Complaint is a document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation. As used herein, the phrase "document filed and signed by a complainant" means a document or electronic submission (such as by electronic mail or through 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 Complaint.

All Complaints alleging discrimination or harassment under this policy will be investigated. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Where the Equity Officer prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.

The University may consolidate Complaints as to allegations of discrimination or 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 discrimination or harassment, arise of the same facts or circumstances. 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.

**H. Notice of Allegations:**

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
  - b. Notice of the allegations of discrimination and/or 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 discrimination and/or 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 Equity Resolution process.

- d. A statement notifying the Parties of the availability of supportive measures.
  - e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
  - f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
  - g. 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 Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
  - h. 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 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.
  - i. A statement that nothing in the Equity 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.
  - j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer 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 or reply email requested. If a read-receipt or reply email is not returned within three (3) business days 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.

**I. Supportive Measures and Administrative Leave**

1. **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 Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and 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 Equity Officer is responsible for the effective

implementation of supportive measures. Supportive measures may include:

- a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
  - b. Mutual restrictions on contact between the Parties.
  - c. Providing campus escort services to the Parties.
  - d. Increased security and monitoring of certain areas of the campus.
  - e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or Respondent, as appropriate.
  - f. If either Party is a student:
    - (1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
    - (2) Adjusting the courses, assignments, and/or exam schedules of the Party.
    - (3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
  - g. Providing limited transportation accommodations for the Parties.
  - h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
2. **Administrative Leave.** The Equity Officer may implement an administrative leave for an employee in accordance with University Human Resources Policies.

J. **Employees and Students Participating in the Equity Resolution Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including to the Investigator, the Equity HR Officer (or Designee), the Equity Officer, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Equity HR Officer (or Designee), the Equity Officer, 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 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. For purposes of this policy, "refusal to cooperate" does not include refusal to participate in any proceedings involving sex discrimination. 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 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.

K. **Rights of the Parties 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 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 an Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict Resolution Process.
7. To receive prior to Administrative Resolution, 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 Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
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 request reconsideration of the summary determination ending the process, and appeal the determination of a decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process under this policy.
15. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.050.I.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.

L. **Role of Equity Support Persons.** Each Complainant and Respondent is allowed to have one Equity Support Person of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whomever they wish to serve as their Equity Support Person, including an attorney. An Equity Support Person is not required and any Party may elect to proceed without an Equity Support Person.

If Complainant is a student, they may request that the Equity Officer assign an Equity Support Person to provide support throughout the Equity Resolution Process. University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity 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 an Equity Support Person.

M. **Investigation.** Upon the initiation of a formal investigation, the Equity Officer will promptly appoint a trained Investigator or a team of trained Investigators to investigate the Complaint.

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

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 Equity Resolution process.

The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. The Parties may present witnesses and other inculpatory and exculpatory evidence; all such evidence must be relevant. A Party whose participation is expected or invited at an interview or meeting shall receive written notice of the date, time, location, participants, and purpose of all meetings or investigative interviews with sufficient time for the Party to prepare to participate.

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

The Investigator(s) will make reasonable efforts to conduct interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer. This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The final investigative report will fairly summarize the relevant evidence.

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

- N. **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 Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity 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 Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer 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, discrimination, or harassment.

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

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

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

The Parties may request that the Equity Resolution Appellate Officer reconsider summary determination ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed with the Complaint, the Equity Resolution Appellate Officer will reverse the determination ending the process and direct the process to continue pursuant to this policy. The Equity Resolution Appellate Officer will simultaneously send the Parties notice of their decision. This decision to continue the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer that there is not a sufficient basis to proceed with the Complaint, then the process will end and the Complainant and the Respondent will simultaneously be sent written notification of the decision. This decision to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

- P. **Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict 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 Complaint or a right to Administrative Resolution. 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. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer 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.

In Conflict Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Equity Support Person may attend the Conflict 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 Equity Officer for review and referral to the appropriate University

Process for discipline or sanctions. The Equity Officer will keep records of any Conflict Resolution that is reached.

In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred back to the Administrative Resolution process. The content of the Parties' discussion during the Conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative Resolution Process. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

**Q. Administrative Resolution.**

**1. Procedural Details for Administrative Resolution.** The Administrative Resolution process is a process whereby decision-makers will meet with the Parties and their Equity 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. For the Administrative Resolution Process, which is described in more detail below, the following will apply:

- a. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
- b. The decision-makers have the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:

(1) 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.

(2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-makers.

(3) 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-makers.

(4) 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.

(5) The decision-makers 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.

- c. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-makers 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.
- d. The Administrative Resolution Process may proceed regardless of whether the Respondent chooses to participate in the investigation or the finding.
- e. The Administrative Resolution Process will normally be completed within a reasonably prompt time period, not to exceed one hundred twenty (120) days, following the Equity Officer's receipt of a Complaint. Unusual delays will be promptly communicated to both Parties.
- f. For good cause, the Equity Officer (for University Respondents), or Equity HR Officer (for Staff Respondents) may, in their discretion, grant reasonable extensions to the timeframes and limits provided.

## **2. Process for Administrative Resolution**

Administrative Resolution 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 separate meeting with each Party and their Equity Support Person, if any, and the joint decision-makers, if requested;
- c. A joint finding by designated decision-makers. For Complaints against a Staff member as a Respondent, a joint finding will be issued by the Equity HR Officer and Supervisor on each of the alleged policy violations and sanctions and remedial actions, if any, for findings of responsibility. For Complaints against the University of Missouri as a Respondent, a joint finding will be issued by the Equity Officer and Designated Administrator on each of the alleged policy violations and remedial actions for findings of responsibility.

At least fifteen (15) business days prior to meeting with the decision-makers or if no meeting is requested, at least fifteen (15) business days prior to the decision-makers rendering a finding(s), the Equity Officer (for University Respondents) or Equity HR Officer (for Staff Respondents) will send a letter (Notice of Administrative Resolution) containing the following information to the Parties:

- d. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
- e. Reference to or attachment of the applicable procedures.
- f. A copy of the final Investigative Report.
- g. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-makers.
- h. An indication that the Parties may have the assistance of an Equity Support Person of their choosing at the meeting with the decision-makers, though the Equity Support Person's attendance at the meeting is the responsibility of the respective Parties.

The Notice of Administrative Resolution 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.

The Investigator(s) will also provide a copy of the final Investigative report to the Equity HR Officer and Supervisor (if Staff Respondent) or to the Equity Officer and Designated Administrator (if University Respondent).

The decision-makers can, but are not required to, meet with and question the Investigator(s) and any identified witnesses. The decision-makers may request that the Investigator(s) conduct additional interviews and/or gather additional information. The decision-makers will attempt to meet separately with the Complainant and the Respondent, and their Equity 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-makers will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the decision-makers will render a joint finding utilizing the preponderance of the evidence standard. The decision-makers will also render a finding on appropriate sanctions or remedial actions, if applicable. The joint finding(s) are subject to appeal.

The Equity HR Officer (if Staff Respondent) or the Equity Officer (if University Respondent) will inform the Respondent and the Complainant simultaneously of the joint finding on each of the alleged policy violations and the joint finding on sanctions for findings of responsibility, if applicable, within ten (10) business days of the last meeting with any Party or witness. Notice will be made to the Respondent and the Complainant simultaneously 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.

#### **R. Sanctions and Remedial Actions**

1. If the Staff Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will determine sanctions and remedial actions. If the University is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity Officer and Designated Administrator will determine remedial actions.
2. Factors to be considered when finding sanctions and remedial actions may include:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - c. The need for sanctions/remedial actions to bring an end to the conduct;
  - d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
  - e. The need to remedy the effects of the conduct on the Complainant and the University community; and
  - f. Any other information deemed relevant by the decision-maker(s).
3. **Types of Sanctions.** The following sanctions may be imposed upon any Staff Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include

but are not limited to:

- a. Warning – verbal or written;
- b. Performance improvement plan;
- c. Required counseling;
- d. Required training or education;
- e. Loss of annual pay increase;
- f. Loss of supervisory responsibility;
- g. Demotion;
- h. Suspension without pay;
- i. Termination; and
- j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.

4. **Remedial Actions.** The following remedial actions may also be imposed to address the effects of the violation(s) of the University’s Anti-Discrimination Policies on the Complainant for violations by a Staff Member or the University as a Respondent. The Equity Officer or Equity HR Officer is responsible for effective implementation of any remedial actions. Such remedial actions will vary depending on the circumstances of the policy violation(s), but may include:

a. Where the Complainant is a student:

- (1) Permitting the student to retake courses;
- (2) Providing tuition reimbursement;
- (4) Removal of a disciplinary action; and
- (5) Providing educational and/or on-campus housing accommodations.

b. Where the Complainant is an employee:

- (1) Removal of a disciplinary action;
- (2) Modification of a performance review;
- (3) Adjustment in pay;
- (4) Changes to the employee’s reporting relationships; and
- (5) Workplace accommodations.

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

5. **When Implemented.** Sanctions and remedial actions are implemented immediately by the Equity Officer, unless the Equity Resolution Appellate Officer stays their implementation pending the outcome of the appeal.

S. **Appeal.** Both the Complainant and the Respondent are allowed to appeal the determination regarding responsibility in the Administrative Resolution Process.

1. **Grounds for Appeal.** Grounds for appeal are limited to the following:

- a. A procedural irregularity that affected the outcome of the dismissal decision or the Administrative Resolution Process (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. That the Equity Officer, Equity HR Officer, Investigator(s), or other 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 disciplinary record of the Respondent.
2. **Requests for Appeal.** Both the Complainant and the Respondent may appeal 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) for University Staff Respondents, or the President (or Designee) for System Staff and University Respondents, 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 joint findings by the designated decision-makers. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.
  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 written response to the request for appeal. The written 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;
    - b. The appeal is on the basis of any of the articulated grounds listed above; and
    - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within 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 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 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 pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.

- b. The Equity Resolution Appellate Officer will provide a written decision on the appeal simultaneously to all Parties within ten (10) business days from accepting the request for appeal. This decision will describe the result of the appeal and the rationale for the result.
  - c. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  - d. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.
- 6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.
- T. **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 through the applicable process.
- U. **Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer. For purposes 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 a minimum of seven (7) years following final resolution.  
 Each Equity Officer, including the Equity Officer for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a 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.
- V. **Retaliation.** The University strictly prohibits retaliation against any person for making any good faith report of discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination or harassment. For matters involving discrimination or harassment other than sex discrimination under this policy, employees have an obligation to cooperate with University officials including the Investigator, Equity Officer, Equity HR Officer, Supervisor, and/or the Equity Resolution Appellate Officer.  
 For matters involving sex discrimination under this policy, no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law, 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. 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 Complaint

of sexual harassment, for the purpose of interfering with any right or privilege secured by law, 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 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 applicable law, 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.

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 Equity Officer. The University will promptly investigate all complaints of retaliation in accordance with this policy.

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 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.

Consent 2

Recommended Action - Minutes, October 30, 2020 Board of Curators  
Special Meeting

It was moved by Curator \_\_\_\_\_ and seconded by Curator  
\_\_\_\_\_, that the minutes of the October 30, 2020 Board of Curators  
Special Meeting, be approved as presented.

Roll call vote:	YES	NO
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Curator Brncic

Curator Chatman

Curator Graham

Curator Hoberock

Curator Layman

Curator Snowden

Curator Steelman

Curator Wenneker

Curator Williams

The motion \_\_\_\_\_.

December 6, 2020

# **GENERAL BUSINESS**

## Council of Chancellors and Administrative Efficiencies Reports – UM

The Council of Chancellors and Vice President Ryan Rapp will present the final versions of the Council of Chancellors and Administrative Efficiencies reports.

These final reports include revisions made after considering feedback sought through November 27 from the university community. The President and Chancellors received comments on the reports through email, about 20 emails total.

These documents, with the revisions highlighted in yellow, were posted online Thursday, Dec. 3 for public review. One of the main additions to the Council of Chancellors report is a new section fleshing out how the Council plans to manage potential conflicts of interest. There were no changes made to the Administrative Efficiencies report.

The Council appreciates the input and engagement in this process. As this leadership model is still evolving, the President and the Chancellors look forward to continued contributions of all stakeholders.

No. 1

Recommended Action – Council of Chancellors and Administrative Efficiencies Reports,  
UM

It was recommended by University of Missouri President Mun Y. Choi, UMKC Chancellor Mauli Agrawal, Missouri S&T Chancellor Mohammad Dehghani, UMSL Chancellor Kristin Sobolik and Vice President Ryan Rapp, moved by Curator \_\_\_\_\_, seconded by Curator \_\_\_\_\_, that

The Council of Chancellors and Administrative Efficiencies Reports be approved as presented on December 6, 2020 and as final documents.

Roll call vote:	YES	NO
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Curator Brncic

Curator Chatman

Curator Graham

Curator Hoberock

Curator Layman

Curator Snowden

Curator Steelman

Curator Wenneker

Curator Williams

The motion \_\_\_\_\_.



**University of Missouri System**

COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS

# **COUNCIL OF CHANCELLORS**

**REPORT TO THE  
BOARD OF CURATORS**

**NOVEMBER 12, 2020  
REVISED DECEMBER 2, 2020**

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## PREFACE

On July 28, 2020, the University of Missouri Board of Curators established a Council of Chancellors (Council) and directed its members to explore these five questions while shaping a decision-making forum with an equal voice for all four universities.

1. What role and services should the University of Missouri System (UM System) provide?
2. What should be the role of the President?
3. What should be the role of the Chancellors?
4. What will be the scope of the Council, and how should it function within the parameters set forth herein?
5. What will the campus committee review, how frequently will it meet with the Council, and who will serve on it?

These questions guided weekly collaborative discussions among Council members and university leaders. Council members determined processes, expectations and a shared commitment to achieve systemwide strategic goals. This document details a proposed framework for the Council and uses the term “enterprise” to represent the UM System’s five institutions: four distinct public research universities and a health system. The full Board resolution creating this Council is on page 15 of this report.

### **1. ROLE OF THE UM SYSTEM AND SERVICES PROVIDED**

Each Chancellor is committed to keeping their university as part of the UM System. In addition, each Chancellor will have more autonomy over their campus, expanded participation in decision-making on UM System matters, as well as increased accountability to meet their mission and achieve expected financial performance measures.

To increase administrative efficiencies, the Council consulted with UM financial leaders on a proposed tiered approach to shared services, termed “Systemwide Services.” This entity will provide key compliance and support functions at a scale necessary for a research university system with an academic medical center. Such services will also support each university in its work to achieve key goals. All tiers will be annually evaluated to ensure constant optimization occurs systemwide.

Overall accountability measures for each Chancellor, the allocation of UM System resources, and the tiered approach to shared administrative services are described below.

#### **Financial Accountability and Performance**

The Council recommends the Board develop policy to establish financial performance expectations and targets for each institution to achieve.

## **Key Financial Decisions**

The Board will continue to approve all capital projects, debt issuance, and operating budgets. The Board will consider such approval when an institution has met its established financial performance expectations. If an institution does not meet performance expectations, institution leadership will build a plan, approved by the President and the Board, to reach the established targets. An accepted plan is needed before the Board will move forward with an approval process about projects, as well as transferring assets to an institution in need.

## **System Resource Allocation**

### **Investment Earnings**

Each institution will receive a share of the UM System's general investment pool earnings comparable to its percentage of contribution toward the total liquidity of the enterprise.

Each Chancellor will submit a plan for Board approval describing the strategic use of these funds, which will also help direct their university's future funding.

To use the dividend, each institution will meet financial performance expectations. If financial performance expectations are not met, the institution's dividend will either be held and released with improved performance or used to cover liquidity costs for the impacted institution.

### **State Appropriations**

The annual request for appropriations will reflect the state funding priorities established and approved by the Council before the request is presented for a Board vote. Upon Board approval, the universities will advocate as an enterprise for the agreed-upon priorities. Core state appropriation allocations should reflect differences in mission of the enterprise across the state. One-time funding initiatives, capital projects, and new or changes to recurring line item programs will be established by the Council as part of the annual request for appropriations.

## **Systemwide Services Allocation**

Shared administrative services for the enterprise will spread across four tiers.

### **Tier 1: Systemwide Central Services**

These services support key centralized corporate activities governed by the Board and **are** largely related to the legal and compliance requirements of operating a \$3 billion enterprise. These common corporate functions already handled at the System level include legal, treasury, financial reporting, and **information security**. The President will manage these function areas, except

those already reporting to the Board of Curators: Office of the General Counsel, Secretary to the Board, and Compliance and Audit.

**Performance Evaluation:** Each university will offer feedback on the performance of these services as part of an annual evaluation. The leaders of the respective Systemwide Central Services will review the annual feedback, develop plans to address issues, and share such plans with the Council.

**Cost Structure:** The cost for these services will be allocated to each university based on its share of total operating expense or other cost drivers for specific services. Any percent annual cost growth will be capped at percent revenue growth for the enterprise. The President could override this cap as needed in consultation with the enterprise. If one institution rapidly grows revenue, the costs allocated from the UM System will increase accordingly for the institution driving the growth. Other institutions will not pay the increase. If an institution's revenue decreased, its share of the allocated costs will decrease accordingly.

<b>Tier 1 - Systemwide Central Service Areas</b>	
Office of the General Counsel	Union Negotiations and Management
Compliance & Audit	Unemployment Administration
Treasury	Core Recruitment Technology and Tools (job posting platforms, background/reference checks)
Investments	Search Firm Contract Management
Financial Reporting and Accounting	Family Medical Leave Act Process and Vendor Management
Risk & Insurance	Enterprise Resource Planning (ERP) Applications (HR, Finance, Student, Advancement) and Ancillary Applications Integrated with core ERP pillars for additional functionality
Benefits & Retirement	Information Security Program
Human Resources Service Center	Intercampus Network & Internet Access
Human Resources Information System	Enterprise Data Warehouse and Integrations
Compensation (i.e., Global Grading System)	Institutional Research/Institutional Effectiveness Compliance Reporting & Data Governance
Affirmative Action	Facilities Planning & Development
Compliance, Mandatory Training	

## Tier 2: Systemwide Shared Services

These services represent common administrative support functions for the enterprise and will remain the same until otherwise justified. The President, with shared oversight of the Chancellors, will direct these services.

**Performance Evaluation:** Each university will offer feedback on the performance of these services as part of an annual evaluation. The leaders of the respective Systemwide Shared Services will review the annual feedback, develop plans to address issues, and share such plans with the Council.

**Cost Structure:** The cost for these services will be allocated to each institution based on its share of total operating expense or other cost drivers for specific services. Any percent annual cost growth will be capped at percent revenue growth for the enterprise. The Council could override this cap as needed. If an institution rapidly grows revenue, the costs allocated from the UM System will increase accordingly for the institution driving the growth. Other institutions will not pay the increase. If an institution's revenue decreased, its share of the allocated costs will decrease accordingly.

Tier 2 - Systemwide Shared Service Areas	
Procurement	Performance Management
Accounts Payable	Grievance Administration
Real Estate	Executive Recruiting
Government Relations	Shared Leave Management
System Academic Affairs	Enterprise Architecture & Information Technology Compliance
System Research	Emergency Alert
eLearning	Enterprise Software Licensing
Supervisory Training	Information Security Tools
Exit Surveys (Qualtrics)	Non-Enterprise Resource Planning Systemwide Applications
Leadership Development	Identity Management
Onboarding	Systemwide Communication Tools (email, calendaring, video/audio conferencing, etc.)

## Tier 3: University Shared Services

These services are provided by the UM System or one of the institutions and will be allocated to each institution based on consumption. The highest performing versions of these services may be leveraged across the enterprise.

**Cost Structure:** Costs for these optional services will be allocated based on the cost drivers for the services. For example, costs of sponsored programs may be allocated based on the collaborating institution's share

of sponsored expenditures for the year. A formal agreement among the collaborating universities will outline such a distribution.

<b>Tier 3 - University Shared Service Areas</b>	
Budget & Planning	Employee Assistance Program (EAP)
Research and Sponsored Programs Administration	Ombuds Program
Finance & Human Resources Transaction Processing	Mediation Services
Auxiliary Services	Wellness Program
Campus Operations	Employee Recognition Programs
Design & Construction	<b>Executive</b> Coaching Coordination and Contract Management
Cashiering	Recruitment Services
Business Services	Human Resources Leadership and Advising
Marketing & Communications	Information Security Services
Institutional Research/Institutional Effectiveness Campus Reporting	Information Technology Infrastructure and Facilities
Human Resources Core Administrative Processing Support	Other Information Technology Products, Services, and Applications as Identified

**Tier 4: Local/College Shared Services**

These shared services represent functions used by colleges within a university and support the mission. Such services will be adopted by deans and department chairs and managed at each university.

**2. ROLE OF THE PRESIDENT**

The President:

- a. works with the Board of Curators to advance the mission of the UM System composed of four universities, including a land-grant research institution in Columbia; three diverse research universities in Kansas City, Rolla, and St. Louis; as well as a health care system and a statewide extension mission.
- b. **will maintain the highest standard of conduct and integrity.**
- c. provides overall leadership, vision, and direction for the UM System, and serves as its chief executive and academic officer.
- d. will carry out those duties and responsibilities assigned to the President by the Board and the Collected Rules and Regulations (CRR).
- e. is an integral, collaborative, and engaged member of the Council. In this role, the President will work with the Council to:
  - lead collaboratively, while strategically directing the UM System.

- develop and maintain effective and efficient academic and administrative processes that support the UM System’s mission.
  - effectively direct the functions of all public, business, and financial affairs of the UM System under the policies and general supervision of the Board.
  - ensure the policies and strategies governing all shared services are equitable for the four universities.
  - establish state and federal legislative priorities.
  - avoid conflicts of interest between the role of President and Chancellor of MU so all four universities are represented and supported in diverse missions to advance Missouri.
- f. serves (or as delegated by the President to appropriate Chancellors) as a key advocate to articulate the vision, mission, and value of the UM System and each of the four universities to the state legislature, congressional leaders, and the citizens of Missouri.
  - g. hires and supervises Chancellors and other General Officers and works to manage conflicts of interest for those appointed in dual roles representing both the UM System administration and one of the four universities.
  - h. is authorized to make and establish changes in the business procedures of the university, consistent with the general policies established by the Board.
  - i. will manage and direct Systemwide Central Services.
  - j. will lead the NextGen Precision Health initiative and future high-priority initiatives.
  - k. will ensure that the UM System eLearning initiative achieves scale and success.
  - l. will undertake other responsibilities assigned by the Board and included in the President’s contract.

Concerns about the President and MU Chancellor can be reported to and discussed with the Chair of the Board of Curators.

### 3. ROLE OF THE CHANCELLORS

#### General

Each Chancellor will:

- a. provide overall leadership, vision, and direction for their university.
- b. maintain the highest standard of conduct and integrity.
- c. be an integral, collaborative, and engaged member of the Council.
- d. develop and implement their university’s strategic plan.
- e. carry out those duties and responsibilities assigned by the President and the CRRs.
- f. be responsible for creating a culture of excellence in all academic and research endeavors.

- g. develop and maintain effective and efficient academic and administrative processes that support their university's mission and create value for constituents.
- h. leverage successful academic and research programs to improve enrollment, private/public partnerships, and a national reputation.
- i. be responsible for creating an environment that includes and welcomes individuals with diverse backgrounds, experiences, and perspectives to deepen their university's commitment to inclusion.
- j. be responsible for generating revenue through innovative academic programs, philanthropy, industrial and government partnerships, and regional economic development.
- k. hire and supervise Vice Chancellors and other members of their leadership team and work to increase hiring of faculty and staff members from underrepresented groups.
- l. serve as a key advocate to articulate the vision, mission, and value of their university to the state of Missouri.
- m. conduct an annual evaluation of shared services performance experienced by their university.

Keeping with the current practice, concerns about a Chancellor can be reported to the President.

### **Student Success**

Each Chancellor will build and maintain programs to:

- a. ensure the education provides the professional and personal development for students to succeed in their work and life.
- b. increase student retention and graduation rates overall and reduce performance disparities for first-generation, Pell Grant, and underrepresented minority students.
- c. maintain affordability, access, and opportunities.
- d. enhance educational delivery opportunities.
- e. increase experiential learning programs.
- f. increase student satisfaction.
- g. enhance graduate and professional educational programs.
- h. achieve scale and success of eLearning initiatives.

*The MU Chancellor is also responsible for improvements in AAU performance metrics for academic programs.*

### **Faculty and Staff Success**

Each Chancellor will build and maintain programs to:

- a. attract, develop, support, and retain talented faculty, staff, and leaders who are engaged, productive, diverse, and committed to achieving their university's vision.
- b. set expectations of excellence and accountability for all faculty, staff, and leaders.

- c. create a culture in which faculty, staff, and leaders are supported, valued, and empowered.
- d. create a community of lifelong learners with opportunities to pursue continuous professional and personal growth.
- e. establish a diverse and inclusive working environment for faculty and staff to ensure our employees have open, honest, and trusting relationships with leadership and their peers.

### **Research & Creative Works**

Each Chancellor will:

- a. lead their university's efforts in the NextGen Precision Health initiative and future high-priority initiatives.
- b. work to increase research and scholarship through proposals, awards, expenditures, and scholarly works.
- c. expand sponsored research opportunities while emphasizing interdisciplinary collaboration, reviewing overhead rates, and assessing distribution policies.
- d. work to drive innovation and entrepreneurship through:
  - industry partnerships, new company formation, patents, and licensing.
  - entrepreneurship training programs for students and faculty.

*The MU Chancellor is also responsible for improvements in AAU performance metrics in research, scholarship, and creative works.*

### **Engagement:**

Each Chancellor is responsible for the quality, breadth, and depth of engagement programs to improve the educational, health, and economic well-being of their local community and the state of Missouri.

*The MU Chancellor is also responsible for meeting the statewide, land-grant mission of supporting Missourians through its network of Extension field offices, agricultural research stations and internet engagements.*

### **Finances**

Each Chancellor will:

- a. be an accountable steward of their university's financial and human resources.
- b. establish and maintain the financial and physical resources required to support their university's vision and sustain organizational improvement.
- c. oversee and ensure financial stability through increased revenue, reduced costs, and administrative efficiencies.
- d. retain tuition, gifts, sales, and services their university generates through its own activities.

- e. manage costs and their university's mission within these resources and financial constraints.

### **Setting Tuition**

Each Chancellor will:

- a. have the ability to set tuition rates at levels deemed market competitive for their students, within the bounds of the Missouri Higher Education Student Funding Act (HESFA).
- b. have the ability to seek a tuition increase waiver from the Missouri Department of Higher Education upon Board approval.
- c. have the freedom to design their relevant tuition strategy under applicable state statute with final approval by the Board.
- d. manage financial aid from all sources — federal, state, gift, and institutional — relative to tuition and student demographics to maintain financial access and affordability.

The Board will approve all tuition and fees each spring.

### **Legislative Agenda**

Each Chancellor will:

- a. work with all Chancellors to develop state legislative and federal priorities that foster meaningful collaborations and do not compete with priorities of the other universities.
- b. advocate collectively with the President and other Chancellors on state and federal legislative issues.
- c. fully disclose and discuss with the Council before advocating on specific state and federal legislative issues.

### **Crisis Management**

Each Chancellor will manage large-scale incidents impacting their university.

### **Public Relations**

Each Chancellor will:

- a. serve as the public face and manage the image for their university.
- b. actively participate in and enhance civic and community relationships in their region.
- c. gather input from various internal and external stakeholders of their university.

### **Fundraising**

Each Chancellor will:

- a. be actively involved with cultivating donor relationships and serve as a champion for their university.
- b. improve the overall culture of philanthropy through pursuit of alumni engagement, participation in development and advancement, and promotion of corporate partnerships.

#### **4. ROLE, SCOPE, AND FUNCTION OF THE COUNCIL OF CHANCELLORS**

The Council will:

- a. focus on driving the success of the entire UM System.
- b. work together to develop relevant policy on issues that will impact all four universities including:
  - UM System, state, and federal legislative priorities;
  - academic missions;
  - centers of excellence that align with individual university strengths;
  - creating new initiatives;
  - and other matters as determined by the Board.
- c. ensure the policies and strategies governing all shared services and their operations are equitable for the four universities.
- d. develop and maintain effective and efficient academic and administrative processes that support the UM System's mission.
- e. discuss which UM System high-priority initiatives that seek state support, like NextGen, to pursue. Chancellors will bring such initiatives to the Council.
- f. review and recommend significant CRRs and revisions to existing CRRs.
- g. explore changing policies and practices if such changes can lead the universities to achieve excellence.
- h. create sub-committees of two Chancellors each to take on special coordination efforts on research and teaching, for example, to provide recommendations to the Council.
- i. avoid conflicts of interest between the role of President and Chancellor of MU so all four universities are represented and supported in their diverse missions to advance Missouri.
- j. rotate chairs among the four members, as agreed to by the President. The initial calendar will be:
  - January - March: MU
  - April - June: UMKC
  - July - September: Missouri S&T
  - October - December: UMSL
- k. meet monthly, either in person or virtually via phone or web-enabled sessions. If meetings are held in person, the locations will rotate among the four universities.
- l. present a summary of its discussions to the Board.

#### **5. MANAGING CONFLICTS OF INTEREST**

- a. On November 19, 2020, the Board of Curators adopted new policies to manage conflicts of interest involving financial resource allocations to universities. This

- report offers a summary of these policies, while the governing documents are the financial CRRs and resource allocation principles adopted by the Board.
- b. Conflicts of interest within the Council will be managed through effective collaboration among members and the defined roles of the President, Chancellors, and the Council.
  - c. If conflicts of interest cannot be managed through these avenues, concerns can be reported to the Board Chair.

## **5. ROLE OF THE CAMPUS ADVISORY COMMITTEE**

- a. The Council will establish a Campus Advisory Committee for the specific purpose of ensuring campus-specific voices are heard.
- b. Members of this Committee will keep fully engaged with the external communities and stakeholders of their university.
- c. The Committee will regularly advise on the perspectives of these external communities.
- d. The Committee will decide how often to meet and will present a summary of its discussions to the Board.
- e. Each Chancellor will recommend two committee representatives to the Council for consideration.
- f. Committee members will be external and not university employees or students.
- g. Each member will have a two-year term limit, which can be renewed by consensus decision of the Council.

# **APPENDIX**

# **I. BOARD OF CURATORS RESOLUTION**

## **RESOLUTION**

(Revised and Approved on September 24, 2020)

**WHEREAS**, the University of Missouri Board of Curators “Board” is committed to achieving excellence and to support the success of four distinct public research universities in Columbia, Kansas City, Rolla, and St. Louis; and

**WHEREAS**, the Board recognizes the value of an adaptable and forward-thinking governance structure to address the unprecedented challenges facing public higher education; and

**WHEREAS**, the University of Missouri Board of Curators has engaged in an extensive review and examination of the organizational structures of the University of Missouri, including but not limited to obtaining a review and evaluation with recommendations from highly qualified and experienced consulting experts from the AGB; and

**WHEREAS**, the Board, with the research, advice and assistance of AGB has additionally conducted extensive informational meetings with important constituencies potentially affected by or directly having an interest in any operational or structural changes to be adopted or instituted by the Board; and

**WHEREAS**, the Board has carefully considered comments and information from a wide number of interested individuals and groups important to the University System and its four campuses, and

**WHEREAS**, the Board concludes that it is in the best interest of the System and its four campuses to implement specific actions for the purpose of strengthening academic and research quality, establishing greater mutually beneficial collaboration among the campuses and to identify areas where greater efficiencies can be realized, to eliminate unnecessary duplication and to take such other steps which will enhance administrative operational effectiveness, including cost efficiencies in carrying out the University’s important research and academic mission and the specific goals and missions of each of the four campuses; and

**WHEREAS**, the Board believes that a new governance structure can promote local campus uniqueness and brand identity; enhance the autonomy and entrepreneurial spirit of the four campuses; and elevate systemwide strategic thinking and inter-campus collaboration.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Curators does hereby adopt, direct, and authorize the following actions to be taken:

- (a) After careful consideration the Board further directs that the current position of President of the University System be combined with the position of Chancellor of the Columbia

campus so that one person shall serve in both capacities, that currently being Dr. Mun Choi. *This action is in no way intended to change or amend the provisions of CRR 20.010 in which the corporate body is organized as a university system and consists of the system administration and four universities nor is any action provided for or taken herein intended to, nor does it, alter or change the general powers and authority specifically granted to the University President as set out in CRR 20.020 and CRR 20.030 including that Chancellors of the UM System are appointed by and report to the President.*

- (b) The Board hereby establishes the Council of Chancellors (“Council”) consisting of the three Chancellors and chaired by the President, to develop clear decision-making processes that will enable systemwide strategic thinking, collaborative academic initiatives and integrated shared services by creating a forum to ensure that all four universities have an equal voice. The Council will meet monthly to confer, address mutual challenges and opportunities, and exchange information important to the System and to any and/or all the four campuses. Council meetings may be held in person or virtually via phone or web-enabled meetings, but if meetings are held in person, they will rotate among each of the four campuses. The Council will present a summary of its discussions to the Board with respect to specific matters involving UM System legislative priorities, federal appropriation requests, centers of excellence that align with individual campus strengths, tuition, academic missions, development of new initiatives, and other matters as determined by the Board.
- (c) The Council will establish a campus committee comprised of two external representatives from each campus serving two-year terms to support the Board in its broad mission and to ensure campus-specific voices across broad dimensions of regional, community, donor and alumni needs are being heard. The campus committee members will attend a minimum of two Board meetings per year and provide the Board a separate campus-specific report on the progress and outcomes of this new governance model.
- (d) The Board appoints Vice President for Finance and Chief Financial Officer Ryan Rapp to study, address and propose best practices to the Board for achieving innovative operational changes to increase administrative efficiencies, develop strategies to eliminate undesired duplicative services or programs, and to ultimately achieve operational excellence within the System and each of the four campuses while ensuring the highest quality research and academic standards. Mr. Rapp will report periodically to the Board and submit a final report on or before 120 days with input from the Chancellors, President, and appropriate representation from the System and each of the four campuses.
- (e) The Board believes in the role of President for effective UM System leadership but, in

the spirit of shared governance, directs the Council to explore and report its findings to the Board in response to the following questions within 120 days:

1. What role and services should the UM System provide?
  2. What should be the role of the President?
  3. What should be the role of the Chancellors?
  4. What will be the scope of the Council and how should it function within the parameters set forth herein?
  5. What will the campus committee review, how frequently will it meet with the Council, and who will serve on it?
- (f) The Board further approves the engagement of AGB Senior Fellows and experts Terrance MacTaggart and Richard Novak to consult with the Council and Mr. Rapp, and to further assist in the efficient and productive implementation of the above actions taken by the Board.
- (g) The Board does further acknowledge that the above actions will likely require additional and more detailed Board actions to accomplish the purpose, intent and implementation of the actions taken herein.

Roll call vote of the Board:

Curator Brncic  
Curator Chatman  
Curator Graham  
Curator Hoberock  
Curator Layman  
Curator Snowden  
Curator Steelman  
Curator Wenneker  
Curator Williams

The motion carried.

## II. COLLECTED RULES AND REGULATIONS - PRESIDENT AND CHANCELLOR ROLES

*Below are parts of the Collected Rules and Regulations under the Administration category relevant to both the President and the Chancellor roles.*

### **20.020 PRESIDENT OF THE UNIVERSITY** (revised 9.24.10)

**A.1. General Power** -- The President is hereby delegated the general power to act for and on behalf of the Board of Curators and The Curators of the University of Missouri subject only to the Bylaws, Board Rules and Regulations or specific instructions of the Board. The President shall be the chief executive and academic officer of the University and all faculty and other University employees shall be under his/her control and supervision, and he/she shall be in charge of all academic, public, business, financial and related affairs of the University under the policies and general supervision of the Board.

### **20.030 EXECUTIVE PHILOSOPHY** (revised 1.13.20)

- The President is delegated general power to act for and on behalf of the Board and the UM System subject only to the Bylaws, Board Rules and Regulations or specific instructions of the Board. The President is the chief executive and academic officer of the UM System and all faculty and staff shall be under their direction and authority, and they shall be in charge of all academic, public, business, financial and related affairs of the UM System under the policies and general supervision of the Board.
- The Chancellors of the UM System are appointed by and report to the President. The Chancellors are delegated authority from the President to act as the chief executive and academic officer of the campuses and charged with providing comprehensive administrative leadership and management on each of the four university campuses.
- The primary duty of the Chancellors is to attain excellence in: academic and teaching programs to educate students of all ages; research; outreach to the citizens of Missouri through extension and other services; and the advancement of economic growth of Missouri and its citizens; all within the resources available to each university as approved by the Board. Consistent with Collected Rule and Regulation 30.010, the Chancellors will also grow their university advancement programs through private fundraising and other activities that increase community support for the universities and the UM System. In addition to their university responsibilities, the Chancellors serve as General Officers to advise the President on all matters affecting the UM System. With the approval of the President, the Chancellors may delegate some of their responsibilities to other university officials, including the Provosts.
- It is the fundamental responsibility of the Board, President, Chancellors, and officers to seek and manage resources to achieve the vision and mission of the UM System. This fundamental responsibility compels all General Officers to look

beyond individual universities and interests to enable the UM System to meet the needs of Missouri.

- The basic principle that will be followed in leading and managing the UM System is that authority and accountability will be linked. Managerial authority to make decisions will be coupled with managers being held accountable for results. Outcomes achieved will be measured against goals.

**COUNCIL OF CHANCELLORS**  
University of Missouri System



University of Missouri System



Report to the Board on Administrative Efficiencies  
UM

In July 2020, the Board of Curators appointed Vice President for Finance and Chief Financial Officer Ryan Rapp to:

“study, address and propose best practices to the Board for achieving innovative operational changes to increase administrative efficiencies, develop strategies to eliminate undesired duplicative services or programs, and to ultimately achieve operational excellence within the System and each of the four Universities while ensuring the highest quality research and academic standards. Mr. Rapp will report periodically to the Board and submit a final report and recommendations on or before 120 days with input from the Chancellors, President and appropriate representation from the System and each of the four campuses.”

The report that follows and related information will be presented at the November 19 Board of Curators meeting. Overall, the goal for administrative services will be to:

Deliver the *right* support services  
At the *right* level of the organization  
Both *efficiently* and *effectively* while supporting the mission

The best approach for the University’s future administrative services will be to implement a new framework for administrative services to meet this goal. The framework will be supported with policies and processes to ensure all leaders across the organization are accountable for ensuring adequate administrative support while reallocating as many of resources as possible towards productive degrees, student success, outreach, engagement and research while being financially sustainable. The University made progress on reducing costs within administrative functions over the past three years and this framework will allow that work to continue. However, administrative reductions alone will not solve the entirety of financial challenges facing the University.

#### CONTEXT OF A RESEARCH UNIVERSITY

Public research universities represent complex enterprises which contribute to the betterment of society. Public research universities (especially those with a land-grant mission) represent a complex conglomeration of units; the sheer diversity and number of departments and operations that make up the four universities and health system lend to difficulty in achieving administrative scale across the enterprise. Operations of the universities within the System are diverse and include:

- a fully functioning TV station
- the nation’s largest research reactor

December 6, 2020

- seventeen agriculture research centers spread across diverse climates in our state
- a veterinary teaching hospital and diagnostic lab serving the entire state
- the UMKC conservatory and theatre programs
- an academic medical center with over \$1 billion in revenue
- MU Extension with a presence in every county across the state
- the Missouri S&T Advanced Manufacturing Center
- the UMSL Accelerator fostering new businesses for Missouri
- Division I, Southeastern Conference Athletics program
- professional programs including two in medicine, two in law, and one in dentistry, veterinary medicine, pharmacy, and optometry
- research centers relating to precision medicine, cardiovascular research, mutant mice and rats, the National Swine Resource Center, high performance computing, infrastructure, and intelligence systems.

Administrative infrastructure must support this broad array of operations and programs while having the flexibility to meet business needs of each of these functions. The University hires leaders for these functions to understand these operations, run them well, and put the right support structures around the operations.

#### DEFINITION of ADMINISTRATION

In general, “administration” in academia refers to the branch of the institution responsible for maintenance and supervision of the institution separate from faculty and academics. In different contexts, it can also sweep in academic administrators such as deans and department chairs. There is no consistent definition of the term as it is used to describe structures in higher education, and its use can mean numerous things. Recently, the term “administration” has come to represent perceived waste within the higher education system and has been focused upon as a cost disease affecting higher education. After consultation with the Council of Chancellors, the administrative assessment was defined to encompass administrative functions reporting to the President and their related counterparts at the university level. The scope of the assessment and recommendations includes:

- Finance
- Human Resources
- Information Technology
- Research Support
- Legal
- Academic Affairs
- Institutional Effectiveness

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The assessment did not include other common functions that rest at the individual University level, including but not limited to:

- Advancement
- Registrar
- Financial Aid
- Student Services
- Enrollment Management
- Libraries

While these functions are not included in the assessment and plan, the plan defines a framework that can be applied across all functions. The following framework could be utilized by the Council of Chancellors in out-of-scope functions if initial implementation proves successful.

### ADMINISTRATION FOR THE INSTITUTION

The context of administrative support must meet the diversity of operations that encompass the institutions that comprise the System. As such, the overall theme for administrative service delivery will be to:

Deliver the *right* support services  
At the *right* level of the organization  
Both *efficiently* and *effectively* while supporting the mission

In accomplishing this theme, the University's administrators will ensure resources remain directed towards the mission of the institution, its ultimate reason for existence for Missouri's citizens. However, redirecting spend away from administration is inherently complex, as many administrative tasks are inextricably tied to the diverse operations they support. What the research reactor at MU needs is very different than what the UMKC conservatory needs to support their operations. Administrative functions must interface with these diverse operations in ways that allow for each to accomplish their mission. This point is abundantly clear in our feedback sessions with faculty and administrators.

This does not mean all administration needs to be local. There are certainly administrative and corporate functions that only need to be performed one time for the broad array of operations that compose the University. This is where the administrative scale becomes an inherent advantage for the Universities and why being part of a larger collective can result in lower costs as a percentage of total spend.

Whenever budgetary constraints pressure the University, the first area to evaluate is always "administration," as leaders and constituents look to preserve areas of the mission that generate the most value to the state. The University has already faced two of these challenges in the past decade in the financial crisis of 2008 that led to significant revenue

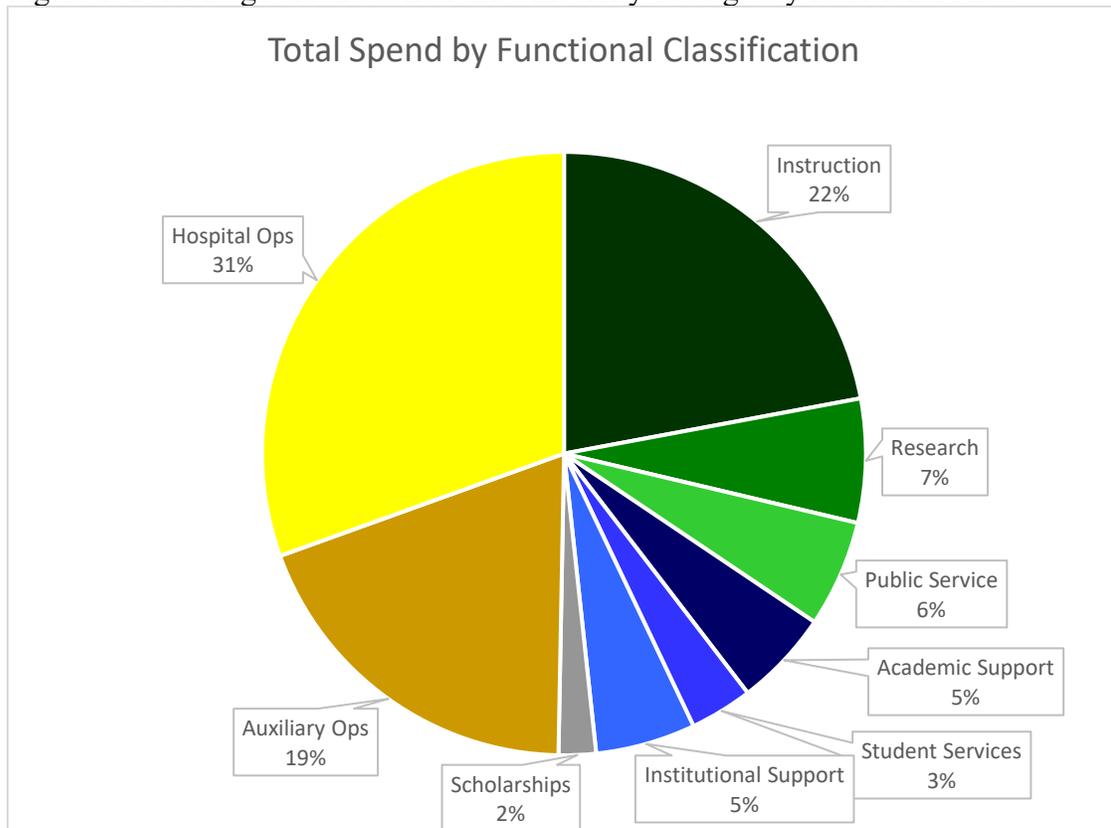
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declines from 2010-2012 and significant revenue reductions from events at MU in November 2015. In response to both of these events, the University undertook a significant review of administration to reduce administrative costs with necessary austerity measures to respond to falling resources.

### HOW MUCH ADMINISTRATIVE COST IS THERE?

The University’s revenue picture has shifted over the past decade, with limited state budgets and limited tuition increases restraining Universities’ ability to grow spending on the mission areas of instruction, research, and public service. In total, revenues related to auxiliary operations including healthcare operations, student housing, athletics, and bookstores have seen growth over the past decade, mainly centering on the healthcare enterprise. These revenue pressures have invariably flowed into the University’s cost structure, forcing decisions to balance budgets.

Figure 1: Percentage breakdown of the University’s budget by Functional Area

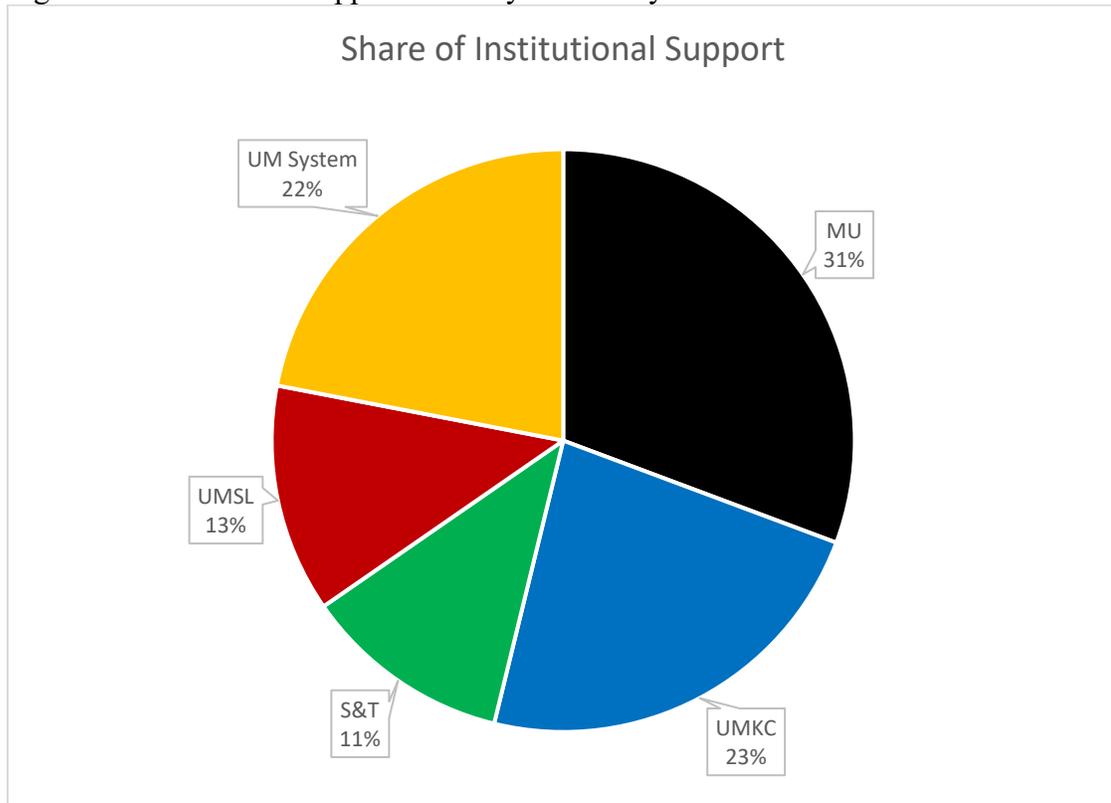


Source: IPEDs Finance

As demonstrated in Figure 1, nearly half of the University’s spending relates to auxiliary and healthcare operations. Another 35% relates to the primary mission areas of instruction, public service, and research. The remaining areas in blue represent functions in support of the mission:

- Academic Support (5%, \$175M): includes the expenses incurred to support the institution’s primary missions of instruction, public service, and research. Examples of expenses classified in this category include libraries, museums, academic technology, academic administration (deans), and ancillary support.
- Student Services (3%, \$115M): represents activities that contribute to students’ emotional and physical wellbeing outside of the instructional environment. Examples of expenses classified in this category include enrollment management, student health centers, student newspapers, intramural sports, financial aid, admissions, and student records administration.
- Institutional Support (5%, \$180M): includes expenses for management of the enterprise and related key support functions. Examples of expenses classified in this category include finance, human resources, administrative information technology, legal services, executive leadership, development/advancement, and marketing/public relations. A subset of these expenses is the primary focus of this report.

Figure 2: Institutional Support Share by University

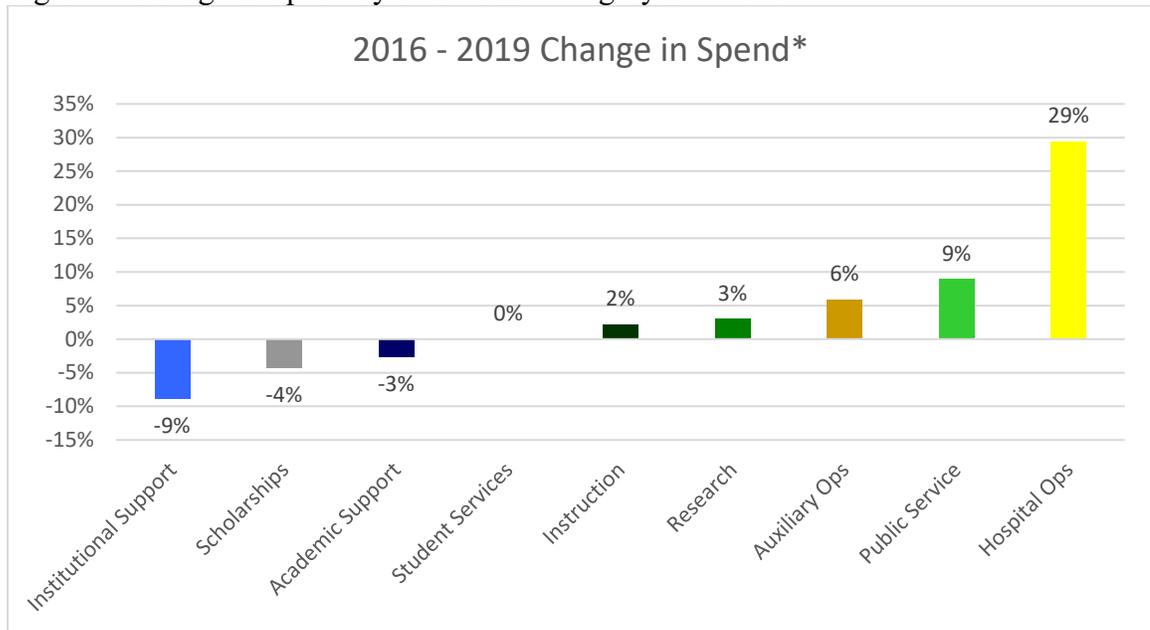


Source: IPEDs Finance

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Figure 2 shows the share of institutional support by University. 78% of institutional support spend occurs on the four universities rather than at the System. Note that both MU and UMKC spend more on their individual universities than System Administration in total. This is largely reflective of the broad array of support activities included in institutional support, and reflects the amount of individual focus already present across the four universities.

Figure 3: Change in Spend by Functional Category 2016-2019



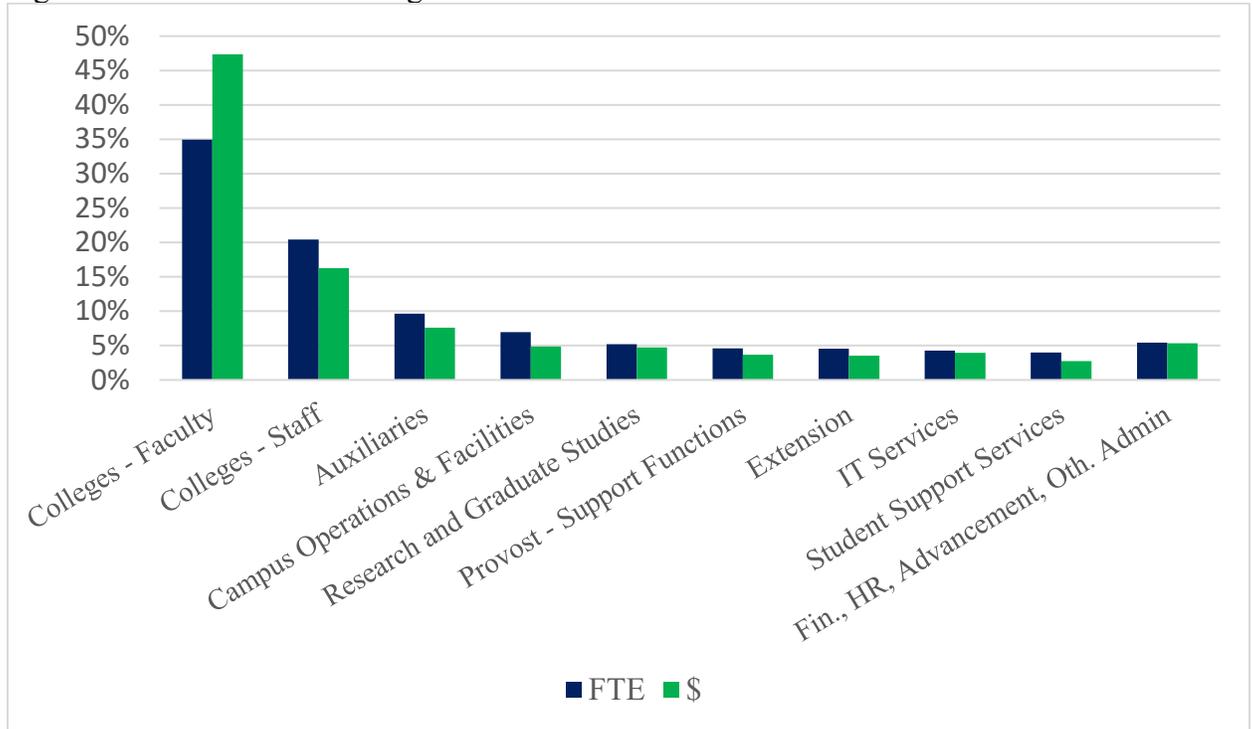
Source: IPEDs Finance, \*adjusted for impact of changes in benefit accounting standards\*.

Figure 3 demonstrates the change in spending by function from FY2016 to FY2019. Institutional Support and Academic Support had the largest drops over the timeframe, reflecting the University’s focus on trimming central administrative costs in response to revenue declines from falling enrollment and state support. As the University faces another revenue challenge from the pandemic, the focus remains on cutting these central administrative costs prior to looking towards mission-related areas of spend. However, there are diminishing returns in administrative cost areas, as these areas have already been significantly cut, making further reductions more difficult to find. With the size of the gap faced with the pandemic and University’s cost structure, there will be no way to solve the problem by cutting central administration alone. However, University and administrative leadership should look to lead through the change and reduce their areas to the largest extent possible. The framework presented in this paper should further support leaders to take necessary actions in this area.

The preceding analysis focused on functional classifications of spending, and encompassed all types of spending. As an enterprise that focuses primarily on delivery of services, the majority of the University’s spend comes from personnel budgets. Any efficiency

initiatives or reductions will ultimately necessitate changes in the size of the University’s workforce. The following analysis reviews the University’s workforce, which encompasses all staff no matter their funding source or location. This view of the data gives a sense of the types of job changes that have been made across the enterprise.

Figure 4: Breakdown of Staffing



Source: University Financial Records

The critical mass for staffing size and spend is generally located throughout the organization within academic units. Over half of spend and staffing in the organization rests in colleges and schools. The majority of staff and spend occurs close to the delivery of the mission, and is largely controlled by deans and department chairs. From the activity analysis, we know these staff perform a broad array of functions to support their units, reflecting relative uniqueness of each operation and related customized support necessary to operate within the higher education environment.

Table 1: Staff by Job Function

<b>Change in Full Time Staff Jobs - 2015 to 2019</b>			
<b>Occupational Grouping</b>	<b>Fall 2019</b>	<b>Change in</b>	<b>Percent</b>
Office & Admin Support	1,928	-508	-21%
Maintenance, Construction, Transportation	543	-153	-22%
Business Ops & Management	2,111	-127	-6%
Other	170	-2	-1%
Service	916	10	1%
IT/Engineering/Science	1,578	32	2%
Community Service & Arts	1,318	20	2%
Instructional Support	484	149	44%
Healthcare Practitioners	1,000	106	12%
<b>Total</b>	<b>10,048</b>	<b>-473</b>	<b>-4%</b>

*Source: Institutional Research Table 3.10*

As demonstrated in Table 1, the University reduced the labor force in full-time staff jobs by over 470 positions. Excluding healthcare in the schools of medicine that experienced related revenue growth, this job loss grows to nearly 600 positions and 5% of the total labor force. The University took actions to reduce the labor force to meet historical and current budgets. It is important to note these numbers demonstrate job losses prior to the FY2021 budget.

Job functions of University staff vary greatly, with a wide array of staff performing jobs that support mission delivery; allowing faculty to focus efforts on teaching, research, and public service. While the University has over 10,000 full-time staff, they perform mission related roles including nursing, advising students, conducting research, and many other functions necessary to the operation of a research university with an academic medical center. As noted in the table above, the University focused reductions on more administrative support, service, and facilities positions rather than mission supporting positions. These reductions occurred because of pressure from an economic and policy perspective, but these cuts alone will not be enough to sustain the institution against the challenges faced.

## HISTORY OF ADMINISTRATIVE COST ACTIVITIES

### *The 2008 Financial Crisis and Response*

The 2008 financial crisis took two years to impact the University, as the fiscal stimulus package passed by the Federal Government stabilized state funding through the worst part of the crisis. From 2010 to 2012, the University received nearly \$100M less in state appropriations. To compensate for the loss, the University grew tuition and enrollment by \$80M, leaving \$20M in cost to be taken out to address the problem.

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To identify necessary cost savings, the University undertook a process to evaluate implementation of shared services through the Operational Excellence Initiative (OEI). OEI worked with administrative leaders and external consultants to identify potential areas for improvement and consolidation within administration. Identified opportunities included moving towards shared services in specific areas. Some examples of the actions taken then include:

- Accounts Payable: combined separate AP functions into a single shared services office at MU
- Travel & Expenses: implemented an electronic request and reimbursement system to reduce processing time and effort for employee reimbursements
- Employee Data Management: implemented an electronic personnel action request system to eliminate paper process and manual effort for payroll.

These actions along with others combined previously disparate functions across the four universities and reduced the duplication across universities, moving more processing and effort towards system for core HR and Finance functions.

### ***The November 2015 Crisis and Related Administrative Review***

Given the significant challenges faced by the University of Missouri following substantial enrollment drops after the November 2015 protests, the Board of Curators requested a review of administrative spending at the University to ensure the institution undertook every cost action possible to preserve as much mission spending as practical through the period of financial stringency. In 2017, the University of Missouri engaged PricewaterhouseCoopers (PwC) to perform an independent analysis of administration, including Finance, HR, Facilities, and Information Technology. This review occurred more recently and has more implications for structural recommendations presented later in this paper.

Initial results of the administrative review were presented to the Board at the December 2017 Board Meeting. Overall, the initial report reviewed \$644 million in addressable spend, of which \$423 million was benefits spending that applied to all business units. The remaining \$221 million in addressable spend was for Finance, HR, IT, and Facilities cost at MU and UM System. In total, the initial assessment report found \$27 to \$44 million in opportunities for administrative functions, with an additional \$17 to \$30 million in opportunities within benefits. The report noted an additional study was necessary to identify actual amounts the University could save through administrative redesign, including an activity analysis to identify decentralized work effort.

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## Activity Analysis

In January – February of 2018, the University of Missouri completed an activity analysis that measured the work effort of all non-faculty positions across the Universities and UM System Administrative Offices. The survey classified the work by:

- Functions: high-level areas of business (e.g. Finance, HR, IT)
- Processes: categories of tasks within each function (e.g. Accounts Payable)
- Activities: individual activities or tasks housed within each process (e.g. check processing)

The survey represented employee’s perceptions of work effort and classified work performed regardless of title. The survey achieved a 96% completion rate with nearly 16,700 unique responses equivalent to 11,815 FTE’s of work. The survey included mission-related work done by staff, and was meant to capture all staff time rather than staff time only related to “administrative” work.

Table 2: Results from Activity Analysis

#	Function	FTEs	% of FTE	Gross Salary
<b>1</b>	<b>Facilities</b>	<b>1,530.4</b>	<b>13.0%</b>	<b>\$59,983,340</b>
2	Student Affairs and Services	1,255.4	10.6%	\$37,493,756
3	Research and Economic Development Engagement	1,029.5	8.7%	\$47,557,997
<b>4</b>	<b>Information Technology</b>	<b>980.5</b>	<b>8.3%</b>	<b>\$53,333,684</b>
5	Clinical	892.3	7.6%	\$46,211,642
6	Academic Affairs	806.1	6.8%	\$34,715,579
7	General Administration	619.1	5.2%	\$23,410,175
8	Auxiliary Services & Business Operations	610.4	5.2%	\$22,092,860
9	Enrollment Management	590.2	5.0%	\$23,187,767
<b>10</b>	<b>Finance</b>	<b>578.6</b>	<b>4.9%</b>	<b>\$29,873,647</b>
11	Community Service and Extension	451.4	3.8%	\$16,626,553
12	Teaching	428.4	3.6%	\$12,016,865
13	Communications and Marketing	392.8	3.3%	\$18,911,560
<b>14</b>	<b>Human Resources</b>	<b>358.6</b>	<b>3.0%</b>	<b>\$18,738,497</b>
15	Intercollegiate Athletics	351.3	3.0%	\$24,283,619
16	University Advancement	322.5	2.7%	\$19,310,470
17	Libraries and Museums	215.9	1.8%	\$6,258,051
<b>18</b>	<b>Supply Chain and Procurement</b>	<b>156.9</b>	<b>1.3%</b>	<b>\$6,700,650</b>
19	Diversity, Equity, and Inclusion	120.2	1.0%	\$5,936,014

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#	Function	FTEs	% of FTE	Gross Salary
20	Printing and Publishing	85.4	0.7%	\$3,363,856
21	Legal	31.5	0.3%	\$2,638,501
22	Real Estate Services	7.1	0.1%	\$449,476
	<b>Total:</b>	11,814.4	100%	\$513,094,559

Note: **Bolded** lines represent comparable administrative spend.

Key findings of the Activity Analysis include:

- University staff spent 31% of their work effort on the functions from the Administrative Assessment (Finance, HR, IT, Facilities, and Supply Chain/Procurement)
  - Facilities was the highest activity in the entirety of the survey with 1,530 FTE
  - Information Technology was the second highest administrative activity with over 980 FTE and encompassed more than HR and Finance combined
  - Staff work responsibilities for HR and Finance are diverse and spread among multiple administrative functions, with inconsistent reporting lines
- Centralized Finance and HR staff tended to be focused on their respective functions. There is a significant portion of staff imbedded within units where HR and Finance are only pieces of their roles. These individuals tended to be focused on completing transactional work.
- Much of the staffing for the University is distributed across the organization, with staff members imbedded within departments to support their needs. Some areas such as Facilities and IT are highly centralized. Others, such as Finance and HR have significant portions of the distributed workforce (small pieces of many people) playing a role in service delivery.

After the Activity Analysis, leadership of each function (CFOs, CHROs, and CIOs) worked with PwC to develop a framework/plan to address cost and effectiveness gaps of their function. With effectiveness gaps identified within functions, initial reduction estimates dropped as there were some clear gaps in the effectiveness of administrative functions. Similar to the University's experience with Accenture and Hackett, there is generally a gap between what consultants initially identify and what can actually be implemented. Much of the opportunity identified would involve restructuring or changing the distributed workforce in significant ways.

The leadership team of each function then presented plans to the entire University leadership team, including Deans, in a Collaborative Design Session in May of 2018. The Collaborative Design Session allowed leaders from across the organization to provide input on how to make Finance, HR, and IT better. Conversations in Collaborative Design shifted the focus of the administrative review from how to get smaller to how to make Finance, HR, and IT more effective.

A key point of feedback from the session, from across the organization to each administrative function, was for the project to focus on the “back-end” of administrative processing while allowing individual departments to work on the “front-end” of the process. Deans and other key leaders wanted time to fix their operations on their own while administrative functions improved their own support. Leaders asked central functions to provide the technology platform along with the necessary policies and processes, while leaving their individual units to improve and implement their own administrative functions. Unit leaders expressed a desire to see and act upon their own data from the Activity Analysis and Administrative Transformation, rather than taking a centralized approach. Much of the discussion from the session centered around how each administrative function could become more effective and shift their focus to adding additional value, rather than just becoming a smaller function.

### **Results from the Administrative Review**

The Administrative Transformation Project yielded results, including:

- Identification of 384 positions totaling \$17 million in salary eliminated in the 2018 budget process and identification of an additional \$5.2 million in non-personnel spend.
- Development of Cross-University shared services including e-commerce, payroll processing, and international payroll taxation.
- A university focused on implementing administrative efficiency and effectiveness initiatives, including:
  - Colleges restructured workflows to reduce effort in the academic units
  - MU utilized a donor gift to fund process improvement projects
  - UMSL changed the role of fiscal officers
  - UMKC implemented a shared services model for HR partners and fiscal officers
  - Missouri S&T built an integrated finance structure out into colleges
- Improvement of “back-end” user design technology to reduce clicks and steps in completing administrative transactions. This work continues.
- Additional detailed views of the activity analysis provided to every College and Unit across the organization so their leaders can review data and act upon it.
- Redefined reporting relationships for Finance, HR and IT leaders for better alignment and accountability.

### **SPOTLIGHT ON SUCCESS: WHAT HAS WORKED**

Through the past two exercises on administrative efficiency, the University has realized some success in restructuring administrative operations. In general, successful projects were defined by the following characteristics:

- 1) Leaders with control of the functions were heavily involved in the decision to make the change
- 2) A pressing challenge forced the institution to make difficult decisions; status quo was not an option

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- 3) A policy framework supported accountability for change
- 4) A scaled function already existed to serve the needs of the leaders with the need

#### *Accounts Payable Shared Services*

The four universities and System embraced the principles of shared services to consolidate and standardize back-office accounts payable processes. Consolidation of accounts payable into the service center provided the following benefits: created one point of contact to our vendors for payment questions; allowed resources to be redeployed to focus on enhancing front-end processes that occur in departmental administration for accounts payable; and reduced cost and time when implementing business process or technological changes in the future. In addition to increased effectiveness and consistency across the accounts payable function, the shared service center provided \$100,000's of annual costs savings for the accounts payable process. The universities have also implemented a standard contracts portal to serve the front end of accounts payable across all four universities.

#### *CAPs Processing for HR Transactions*

In the past three years, each University's payroll processing function has combined into the "Core Administrative Processing Support" (CAPS) centers that provide HR processing services for all faculty, staff, and students. Specifically, HR functions on each of the universities have moved payroll processing to the MU CAPS Center, who now handles the process for all four universities.

#### *University Business Centers*

**MU** and **UMSL** collaborated to build a service center for Finance and HR transactional processing that currently serves 149 separate departments. As a result of the shared services center, institutions have been able to eliminate 12 positions and \$850,000 in budget for those positions.

**UMKC** built both a Finance and HR service center model for use by colleges and non-academic units. The model covers both fiscal support and transactional processing. Currently, 21 units leverage support services offered through University-level shared services model, with only six schools maintaining separate support services. Transitions continue as the University faces additional cost pressure.

**Missouri S&T** currently has two colleges who each have support staff for individual departments within the college. Each dean is working with the departments to build a more integrated staffing structure, with support staff specializing in specific tasks and working across departments, while maintaining support co-located with the departments.

The key theme across all of these success stories was the closeness of service being successfully implemented to understanding the needs of the customer. The switch to

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shared services occurred because there was a level of trust amongst units and the demonstrated ability to deliver the service. This is why success in consolidation across central units has worked well –scaled services understood the needs of the enterprise. For services at the academic department level, it is unlikely a large central service could understand the needs and operate well on day one. However, business centers that have been built at each university have developed a high level of trust with their departments and have been successful in gaining additional conversions.

Any change beyond what is described above would be highly disruptive and stories of failed shared services implementations within higher education are numerous. However, administrative leadership must change the way central units operate and build the infrastructure necessary to support scaling of decentralized functions

### THE IMPORTANCE OF POLICY AND ACCOUNTABILITY

Existing economic conditions will put immense pressure on institutions within the System. Pressure will invariably force the Universities to cut cost to respond to resource constraints. The easiest point from the outside to focus on is “administration”. The definition of administration in this context is generally anything that feels expensive or unnecessary, and generally reflects views on bureaucracy within University structures. As universities represent a vast enterprise with diverse operations and constituencies that influence decisions, the most powerful lever for boards and central administration remains policy and creation of incentives and consequences to move the organization towards compliance.

The economic environment from the pandemic will continue to place pressure on the University’s revenue streams. This will necessitate the University reduce costs to come in line with the new revenue environment. Maintaining a balanced budget and related policy is key to maintaining a sustainable level of financial performance and forcing leaders to make appropriate decisions to balance costs within revenues available to the enterprise. Leaders will be forced to evaluate the entirety of their operation and administration will be a component of their cost evaluation. In most cases, the leader will choose to cut their administrative costs first, as these costs in general are easier to reduce than other areas (e.g. faculty have tenure, students demand a certain level of service, research contracts are restricted towards certain expenditures, etc.). The implementation of the financial accountability framework will cascade down into the organization and force the right decisions on administration.

It is also important to note public institutions in the U.S. continue to shift away from appropriated revenues and towards market driven earned revenues. To the extent a leader makes the choice to maintain administration and cut mission priorities, they risk the ability to grow revenue for those mission-based priorities. These poor decisions can become self-reinforcing and compound problems for the institution. The market will begin to reflect where money should be spent that can generate a return, and large administrative structures simply cannot be supported by the earned revenues of the institutions.

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## FRAMEWORK FOR DELIVERING ADMINISTRATIVE SERVICES

Leveraging experience and feedback from the Administrative Review, the UM leadership team developed a structural framework to support these functions across the enterprise. This structural framework will serve as the foundation for implementation of best practices surrounding efficient delivery of administration. The framework identified four tiers of administrative services:

- Tier 1: Systemwide Central Services
- Tier 2: Systemwide Shared Services
- Tier 3: University Shared Services
- Tier 4: Local/College Shared Services

All tiers will be annually evaluated to ensure constant optimization occurs systemwide.

*Systemwide Central Services* support key centralized corporate activities governed by the Board and largely related to legal and compliance requirements of operating a \$3 billion enterprise. These common corporate functions are already handled at the System level only and include legal, treasury, financial reporting, and IT Security. The President will manage and direct these functions.

*Systemwide Shared Services* represent common administrative support functions for the enterprise and will remain the same until otherwise justified. The President, with shared oversight of the Chancellors, will direct these services. Participation in a single instance of these services will be mandatory across the Universities, but each University will have a larger say in governance and service delivery as these services have a greater impact on their operation.

*University Shared Services* are currently located at each institution. Expanding the areas of excellence for each University will be explored, allowing other institutions to leverage the relative strength of each institution. The highest performing versions of these services will be leveraged across the enterprise.

*Local/College Shared Services* represent administrative services delivered at the individual unit level. These represent key administrative functions that need to remain close to the mission functions and support day-to-day decision-making necessary to run the enterprise. These functions generally remain controlled by deans and department chairs. As cost pressures continue, deans and department chairs will be encouraged to continue to collaborate and seek scale in delivery of these services. Each University has already built shared services for their colleges and units and this will continue at the local level, allowing colleges and departments to leverage scale at the individual University level.

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## IMPLEMENTATION OF MODEL

The first step in implementation of the framework will be combination of MU and UM System leadership structures into a single leadership team. This combination will create *Systemwide Central Services* and *Systemwide Shared Services* after conclusion of the November Board Meeting with adoption of the Council of Chancellors plan. Each UM System leader has met with their MU counterpart and developed a plan to integrate leadership structures and teams. The first step will be to move structures at MU that support all four universities into the Systemwide Shared Services function. These functions, coupled with the Systemwide Central Services, will compose the Systemwide Services function. The Systemwide elements of consolidation will remain on a separate budget; the other three Universities will not pay for services specific to MU.

The specific functions in Tier 1 Systemwide Central Services - The President will manage most of these function areas, except those already reporting to the Board of Curators – Office of the General Counsel, Secretary to the Board, and Compliance and Audit:

1. Office of the General Counsel
2. Compliance & Audit
3. Treasury
4. Investments
5. Financial Reporting and Accounting
6. Risk & Insurance
7. Benefits & Retirement
8. Human Resources Service Center
9. Human Resources Information System
10. Compensation (i.e. Global Grading System)
11. Affirmative Action
12. Union Negotiations and Management
13. Unemployment Administration
14. Core Recruitment Technology and Tools (job posting platforms, background/reference checks)
15. Search Firm Contract Management
16. Family Medical Leave Act Process and Vendor Management
17. Enterprise Resource Planning Applications (HR, Finance, Student, Advancement) and Ancillary Applications Integrated with core ERP pillars for additional functionality
18. Information security program
19. Intercampus Network & Internet Access
20. Enterprise Data Warehouse and Integrations
21. Institutional Research/Institutional Effectiveness Compliance Reporting & Data Governance
22. Facilities Planning & Development

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The specific functions in Tier 2 Systemwide Shared Services - The President, with shared oversight of the Chancellors, will direct these services:

1. Procurement
2. Accounts Payable
3. Real Estate
4. Government Relations
5. System Academic Affairs
6. System Research
7. eLearning
8. Supervisory Training
9. Exit Surveys (Qualtrics)
10. Leadership Development
11. Onboarding
12. Performance Management
13. Grievance Administration
14. Executive Recruiting
15. Shared Leave Management
16. Enterprise Architecture & Information Technology Compliance
17. Emergency Alert
18. Enterprise Software Licensing
19. Information Security Tools
20. Non-Enterprise Resource Planning Systemwide Applications
21. Identity Management
22. Systemwide Communication Tools (email, calendaring, video/audio conferencing, etc.)

To accompany the shift and align with the financial accountability policy, these two areas of administrative services in the framework will be funded via a new budget model in FY2022. Instead of funding administration with state appropriations and investment income, these services will be funded via a cost allocation to the universities based upon their share of total operating expenses or other cost drivers. The cost allocation for services will also force administrative units to justify the scale and cost of their function to the universities they support.

From an accountability standpoint, each function in the first two tiers will have an identified leader responsible for the function's performance. The leader will ensure functions are aligned and meet the needs of the enterprise. Ultimate accountability for each leader will flow back to the President, with input from the Council of Chancellors.

Implementation of Tier 1 and Tier 2 services will begin immediately after the November Board Meeting. Each leader will spend the remainder of the year restructuring their team to meet the new initiative. These functions currently reside centrally, they just need to make leadership adjustments and better align service models. Functions covered in the first two tiers are scalable and not impacted by diversity of operations across the enterprise.

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Implementation of Tier 3 and Tier 4 will continue at each campus. Tier 3 services represent those services provided at each university that could allow for the highest performing version of these services to be leveraged across the enterprise. In FY2022, these services will be evaluated in a system-wide coordinated fashion to determine opportunities to leverage centers of excellence or scale that may exist at individual Universities.

The specific functions in Tier 3 University Shared Services will be governed by individual Chancellors and include:

1. Budget & Planning
2. Research and Sponsored Programs Administration
3. Finance & Human Resources Transaction Processing
4. Auxiliary Services
5. Campus Operations
6. Design & Construction
7. Cashiering
8. Business Services
9. Marketing & Communications
10. Institutional Research/Institutional Effectiveness Campus Reporting
11. Human Resources Core Administrative Processing Support

Tier 4 Services represent services delivered at the individual college and department level. Individual deans and department chairs control delivery of these services underneath a University. Administrative efficiency in these areas will ultimately be the responsibility of the Deans with support from the Chancellors, and each college will have the ability to build their services on an opt-in basis. These types of shared services have already begun across all four Universities, with various business processing centers created to improve administrative efficiency of those individual units. Additionally, colleges have been more willing to share staff than in the past, sharing fiscal and HR support staff either across colleges or departments and splitting the cost. Some work has already been done by the Universities in this area and is highlighted in the SPOTLIGHT ON SUCCESS section.

## CONCLUSION

In summary, the overall goal of this proposal is to deliver administrative services:

Deliver the *right* support services  
At the *right* level of the organization  
Both *efficiently* and *effectively* while supporting the mission

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Overall, this initiative will ensure resources are maximized for the mission. To accomplish this, the University will adopt a framework of four tiers of administrative services:

- Tier 1: Systemwide Central Services
- Tier 2: Systemwide Shared Services
- Tier 3: University Shared Services
- Tier 4: Local/College Shared Services

To support adoption of these services, the University will implement policies that encourage appropriate use of resources and follow principles that administrative services should support the diverse needs of the University. Implementation of the first tiers of service will occur during FY2021, while Tier 3 and Tier 4 will be on-going with opportunities to leverage centers of excellence or scale that may exist on individual Universities implemented in FY2022. The University made significant progress on reducing administrative cost over the last four years and this framework will serve as the jumping off point for further improvements. However, these changes alone won't solve long-term revenue challenges facing public higher education in Missouri.

No. 2

Recommended Action - Resolution - Indoor Practice Facility, MU

It was recommended by University of Missouri President Mun Y. Choi and MU Athletic Director Jim Sterk, moved by Curator \_\_\_\_\_ and seconded by Curator \_\_\_\_\_, that:

the Board of Curators approves the following resolution in support of conducting the pre-design programming and planning for an indoor practice facility that includes project scope and budget and presenting a plan for inclusion in the capital plan to the Board of Curators by no later than January 30, 2021.

Roll call vote:	YES	NO
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Curator Brncic

Curator Chatman

Curator Graham

Curator Hoberock

Curator Layman

Curator Snowden

Curator Steelman

Curator Wenneker

Curator Williams

The motion \_\_\_\_\_.

UNIVERSITY OF MISSOURI BOARD OF CURATORS RESOLUTION:  
INDOOR PRACTICE FACILITY – MU

The University of Missouri Board of Curators, meeting via video conference on this 6<sup>th</sup> day of December, 2020, resolves as follows:

**Whereas**, MU Athletics is an integral part of the University of Missouri and plays a critical and visible role in the University's overall reputation, image and brand; and

**Whereas**, MU Athletics and its success galvanizes Missourians in support of the University, its mission and its athletics programs, further enhancing sentiment in favor of the University and public higher education; and

**Whereas**, the Devine Pavilion, constructed in 1998, currently serves as the only indoor practice area for all Mizzou athletic field turf/grass programs-and the facility has many deficiencies related to the football program, most problematic is the short (70 yards) field; and

**Whereas**, as the northernmost school in the SEC, a full-size indoor facility for practice is critical for the success of the football program; and

**Whereas**, a new, full-size indoor football practice facility will not only benefit the football program but will also free up critical times in the Devine Pavilion for the baseball, softball, and soccer programs to train year-round; and

**Whereas**, construction and operation of a new indoor practice facility will support the economic development efforts of the University and mid-Missouri.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Curators does hereby adopt, direct, and authorize the following actions to be taken by MU:

1. Conduct the pre-design programing and planning for an indoor practice facility that includes project scope, budget, and support through private fundraising; and
2. Report back to the Board, by no later than January 30, 2021, a plan for inclusion in the Board approved MU capital plan.

December 6, 2020

**BE IT FURTHER RESOLVED**, that the Secretary of the Board of Curators cause this Resolution to be spread upon the minutes of this meeting.

\_\_\_\_\_  
JULIA G. BRNCIC

\_\_\_\_\_  
JEFFREY L. LAYMAN

\_\_\_\_\_  
DARRYL M. CHATMAN

\_\_\_\_\_  
PHILLIP H. SNOWDEN

\_\_\_\_\_  
MAURICE B. GRAHAM

\_\_\_\_\_  
DAVID L. STEELMAN

\_\_\_\_\_  
GREG E. HOBEROCK

\_\_\_\_\_  
ROBIN R. WENNEKER

\_\_\_\_\_  
MICHAEL A. WILLIAMS

No. 3

Recommended Action – Resolution for Executive Session of the Board of Curators  
Special Meeting December 6, 2020

It was moved by Curator \_\_\_\_\_ and seconded by Curator \_\_\_\_\_, that  
there shall be an executive session with a closed record and closed vote of the Board of  
Curators Special Meeting December 6, 2020 for consideration of:

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

Roll call vote of the Board: YES NO

Curator Brncic  
Curator Chatman  
Curator Graham  
Curator Hoberock  
Curator Layman  
Curator Snowden  
Curator Steelman  
Curator Wenneker  
Curator Williams

The motion \_\_\_\_\_.

December 6, 2020

**EXECUTIVE  
COMMITTEE**

No. 1

Recommended Action – Resolution for Executive Session of the Board of Curators  
Executive Committee Meeting, December 6, 2020

It was moved by Curator \_\_\_\_\_ and seconded by Curator \_\_\_\_\_, that there shall be an executive session with a closed record and closed vote of the Board of Curators Executive Committee meeting December 6, 2020 for consideration of:

- **Section 610.021(1), RSMo**, relating to matters identified in that provision, which include legal actions, causes of action or litigation, and confidential or privileged communications with counsel; and
- **Section 610.021(2), RSMo**, relating to matters identified in that provision, which include leasing, purchase, or sale of real estate; and
- **Section 610.021(12), RSMo**, relating to matters identified in that provision, which include records which are protected from disclosure by law.

Roll call vote of the Executive Committee:                      YES                      NO

Curator Brncic  
Curator Graham  
Curator Steelman

The motion \_\_\_\_\_.