Summary of CRR 600.050  
Equity Resolution Process for Resolving Complaints of Harassment, Sexual  
Misconduct and other Forms of Discrimination against a Staff Member  

The University continually seeks to maintain an environment free from discrimination in  
which our students and employees may fully participate in and benefit from educational  
programs and activities. Over the last several months, the University of Missouri has  
been working toward becoming an exemplar of best practice in the prevention and  
reporting of sex discrimination, particularly sexual misconduct and harassment. We are  
one step closer in moving toward exemplary best practice.  

The draft policy when a staff member is accused of any form of discrimination, including  
harassment and sexual misconduct, is attached for your review and feedback. The policy  
was developed by the Human Resources (HR) Policy committee, a formally organized  
group of HR professionals who regularly create, review, revise and evaluate all policies  
related to university staff. The HR Policy recommended a draft to the HR Council,  
comprised of all HR leaders across the four campuses, system and MU Health System,  
who have provided the final version for vetting. Both HR Policy Committee and HR  
Council worked closed with the Office of the General Counsel (OGC) and our outside  
consultants to discuss preferred processes and to review draft policies prior to this final  
policy being prepared by OGC.  A summary of the draft CRR follows, but a close reading  
of the entire rule is essential to a complete understanding of process.  

The new rule (Section 600.050) applies to all staff members including Administrative,  
Service and Support Staff, and Subsidiary Employees.  CRR 600.050 allows flexibility in  
the resolution process and codifies a best practice for resolving alleged discrimination  
when the accused is a staff member. The process includes a thorough investigation and  
then a determination by the Equity HR Officer and the Supervisor. A limited appeal is  
provided but no further grievance process is then allowed, which is a departure from  
current protocols. The rule also allows for conflict resolution (mediation or other  
alternative dispute resolution mechanism) and summary resolution (the process is  
summarily concluded if no reasonable person could find the Accused responsible for  
violating a University anti-discrimination policy). Since this is a System level rule, it is  
necessary for it to be written with enough flexibility to be applied across the four  
campuses and MU Health Care but at the same time have enough specificity to provide  
adequate guidance in its application. Each campus, MU Health Care and the System will  
need to decide who will serve in the roles of Investigators, Equity HR Officers and  
Equity Resolution Appellate Officers.
Chapter 600.050
Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member

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

B. Jurisdiction
Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.050 of the Collected Rules and Regulations against staff for conduct occurring in other settings, including off-campus, in order to protect the physical safety of students, faculty, staff, and visitors or if there are effects of the conduct that interfere with or limit any person’s ability to participate in or benefit from the University’s educational programs, activities or employment.

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

D. Definitions:

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

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

4. Staff Members. Staff Members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III.
5. **Complaint.** Formal or informal complaint or notice of violation of the University’s Anti-Discrimination Policies.

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

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

8. **Equity Human Resources Officers (“Equity HR Officers”).** The Equity Human Resources Officers (“Equity HR Officers”) are trained human resources administrators designated by:
   a. the Chancellor or Chancellor’s Designee for campus Staff Members;
   b. the MU Health Care Chief Executive Officer (“CEO”) or MU Health Care CEO’s Designee for MU Health Care Staff Members; and
   c. the President or President’s Designee for System Staff Members.

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

10. **Equity Resolution Appellate Officers.** Equity Resolution Appellate Officers are trained, senior-level administrators who hear all appeals stemming from the Equity Resolution Process and are designated by:
    a. the Chancellor or Chancellor’s Designee for campus Staff Members;
    b. the MU Health Care CEO or MU Health Care CEO’s Designee for MU Health Care Staff Members; and
    c. the President or President’s Designee for System Staff Members.

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

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

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

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

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

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

G. Employees and Students Participating in the Equity Resolution Process
All University employees and students must be truthful in providing testimony throughout the process and to the Investigator, Equity HR Officer (or Equity HR Officer’s Designee) and/or Title IX Coordinator (or Title IX Coordinator’s Designee), and all non-testimonial evidence must be genuine and accurate. False testimony, fraudulent evidence and refusal to cooperate with the Investigator, Equity HR Officer or Title IX Coordinator may be the basis for personnel or student conduct action against the uncooperative individual. Nothing in this provision is intended to require a Complainant to participate in the process.

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

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

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

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

The Advisor may not make a presentation or represent the Complainant or the Accused during any meeting or proceeding. The parties are expected to ask and respond to question on their own behalf, without representation by their Advisor. The Advisor may consult with the advisee quietly or in writing, or outside the meeting or proceeding during breaks, but may not speak on behalf of the advisee at any point throughout the process. Advisors who do not follow these guidelines will be warned or dismissed from the meeting or proceeding at the discretion of the Investigator(s) during the investigation and the Equity HR Officer or Equity HR Officer’s Designee during the Administrative Resolution Process.
K. Investigation
If a Complainant wants to pursue an investigation or if the University wants to pursue an investigation, then the Equity HR Officer or Equity HR Officer’s Designee promptly appoints a trained investigator or a team of trained investigators to investigate. The parties are allowed to have an Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings in which they participate.

All investigations will be thorough, reliable and impartial. The investigator or investigators will make reasonable efforts to include interviews with relevant parties and witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigation report to the Equity HR Officer and Supervisor.

Investigation of reported misconduct brought directly by Complainant should be completed expeditiously, normally within 20 business days of notice to the University. Investigation may take longer when initial reports fail to provide direct first-hand information or in complex cases. The University may undertake a short delay (several days to weeks, to allow evidence collection by the law enforcement agency) when criminal charges on the basis of the same behaviors that invoke the process are being investigated.

L. Summary Resolution
During or upon the completion of the investigation, the Equity HR Officer or Equity HR Officer’s Designee will review the investigation, which may include meeting with the investigator(s). Based on that review, the Equity HR Officer or Equity HR Officer’s Designee will make a decision whether a reasonable person could, based on the evidence gathered, find the Accused responsible for violating the University’s Anti-Discrimination Policies. If the Equity HR Officer or Equity HR Officer’s Designee decides that no reasonable person could find the Accused in violation, then the process will end and the Complainant and the Accused will be sent written notification of the determination. The Equity HR Officer or Equity HR Officer’s Designee may counsel and suggest training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

Complainant may request the Equity Resolution Appellate Officer to reconsider the summary determination. If there is reasonable cause to do so, the Equity Resolution Appellate Officer will reverse the determination and direct the process to continue. This decision lies in the sole discretion of the Equity Resolution Appellate Officer and such decisions are final.

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

N. Administrative Resolution
1. Procedural Details for Administrative Resolution.
   For the Administrative Resolution Processes, the following will apply:
   a. The standard of proof will be “preponderance of the evidence,” defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
   b. Questioning or evidence about the Complainant’s prior sexual conduct is not permitted, though the Investigator, Equity HR Officer (or Equity HR Officer’s Designee) or Title IX Coordinator (or Title IX Coordinator’s Designee) may grant a limited exception in regards to the sexual history between the parties, if deemed relevant.
   c. Character evidence of either the Complainant or the Accused will not be considered.
   d. Incidents or behavior of the Accused not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Accused that shows a pattern may be considered, if deemed relevant by the Equity HR Officer or Equity HR Officer’s Designee.
   e. The Administrative Resolution Process will normally be completed within 30 business days. Deviations from this timeframe will be promptly communicated to both parties.
   f. The Accused and the Complainant may provide a list of questions for the Investigator(s), Equity HR Officer or Equity HR Officer’s Designee to ask the other party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting party.
   g. The Equity HR Officer or Equity HR Officer’s Designee may, in their discretion, grant reasonable extensions to the timeframes and limits provided.
   h. The Administrative Resolution Process will proceed regardless of whether the Accused chooses to participate in the investigation or the finding.
2. **Administrative Resolution: Resolution by the Equity HR Officer and Supervisor**

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

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

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

The Equity HR Officer will inform the Accused and the Complainant of the final determination by the Equity HR Officer and Supervisor in writing within 3 business days of the resolution, without significant time delay between notifications. The final determination letter will be made in writing and will be delivered either:
   a) In person, or
   b) Mailed to the mailing address of the respective party as indicated in official University records and emailed to the party’s University-issued email account.

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

**O. Sanctions**

1. **Factors considered in sanctioning**

   If the Accused is found responsible for a violation of a University’s anti-discrimination policy, the Equity HR Officer and Supervisor will determine
sanctions and remedial actions. Factors considered when determining a sanction/remedial action may include:

a) The nature, severity of, and circumstances surrounding the violation.
b) The disciplinary history of the Accused.
c) Any other information deemed relevant by the Equity HR Officer and Supervisor.
d) The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation.
e) The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
f) The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

2. Types of Sanctions. The following sanctions may be imposed upon any Staff Member found to have violated a University’s Anti-Discrimination Policy. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:

a) Warning – Verbal or Written
b) Performance Improvement Plan
c) Required Counseling
d) Required Training or Education
e) Loss of Annual Pay Increase
f) Loss of Supervisory Responsibility
g) Demotion
h) Suspension without Pay
i) Termination
j) Termination of an Administrative Appointment and associated pay

P. Appeal

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

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

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

4. Review of the Request to Appeal.
The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
   a. The request is timely, and
   b. The appeal is on the basis of any of the three 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 all three of the above are not met. Such decision is final.

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

For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 5-7 business days) to the deadlines in the appeal process to either or both parties upon request.
Q. Records
In implementing this policy, records of all Complaints and resolutions will be kept by the Equity HR Officer or Equity HR Officer’s Designee. Letters of notice, exhibits, and the findings and determination of the Equity HR Officer and Supervisor will become the “Record of the Case.” Files will be kept for seven (7) years following final resolution.