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200.010 (RELINE 09-05-14)
200.10 Standard of Conduct

Chapter 200: Student Conduct

Amended Bd. Min. 3-20-81; Bd. Min. 8-3-90, Bd. Min 5-19-94; Bd. Min. 5-24-01, Bd. Min. 7-27-12; Bd. Min. 12-7-12; Bd. Min. 6-19-14.

A student enrolling at the University assumes an obligation to behave in a manner compatible with the University's function as an educational institution and voluntarily enters into a community of high achieving scholars. Consequently, students assume new privileges along with new responsibilities must adhere to community standards in accordance with the University's mission and expectations.

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

A. Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, nothing restrains the administration of the University of Missouri from taking appropriate action, including, but not limited to, the imposition of sanctions under Sections 200.020(C), and 200.025 of the Collected Rules and Regulations against students for conduct on or occurring in other settings, including off University premises-campus, in order to protect the physical safety of students, faculty, staff, and visitors. In addition, a student who believes or if there are effects of the conduct that he or she has been discriminated against based upon his or her sex may file a complaint with the Title IX Coordinator for or limit students' ability to participate in or benefit from the campus in accordance with the provisions of Section 330.062 of the Collected Rules and Regulations. See contact information for campus Title IX Coordinators contained in Section 330.062.University's educational programs and activities.

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

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

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

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

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

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

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

4. Physical abuse or other conduct which threatens or endangers the health or safety of any person including, without limitation, conduct commonly known as hazing, which is directed at a student or prospective member of a student organization for the purpose of initiation or admission to or continued membership in such student organization, and intimate partner/relationship violence, which includes violence between those who are in an intimate relationship with each other.

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

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

   a. Harassment. Harassment in violation of the University’s anti-discrimination policies, is unwelcome verbal or physical conduct, on the basis of actual or perceived membership in a protected class as defined in the University’s anti-discrimination policies, that creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
b. **Sex Discrimination, Sexual Harassment and Sexual Misconduct** as further defined in Section 600.020 and/or referenced in Section 200.010B7 below.

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

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

e. **False Reporting.** False reporting is making intentional false reports or accusations as opposed to reports or accusations, which, even if erroneous, are made in good faith.

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

   a. **Sex Discrimination.** Sex discrimination occurs when a person has been treated inequitably on the basis of sex, gender identity, or gender expression. Specifically, the University of Missouri System upholds Title IX, which states in part that “[n]o person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.” Sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence are forms of sex discrimination.

   b. **Sexual Harassment.** Sexual harassment is defined as:

      1) Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
      2) Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:

            a) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
            b) Such conduct creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

   a.-c. **Sexual Misconduct.** Sexual misconduct is: 1) nonconsensual sexual intercourse; 2) nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one’s own genitals whether directly or through the
clothing; or 3) exposing one’s genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; sexual exploitation; or sexual harassment, as defined in Section 330.060 of the Collected Rules and Regulations. For purposes of this policy, the term nonconsensual includes, without limitation, circumstances in which the alleged victim was incapacitated by alcohol, drugs or other circumstances and, therefore, incapable of consenting or 4) sexual exploitation.

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

Harassment, outside

d. **Stalking on the Basis of Sex.** Stalking on the basis of sexual harassment defined in Section 200.010B.5 above, by sex is following or engaging in a course of conduct directed at a specific on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

b-e. **Dating/Intimate Partner Violence.** Violence committed by a person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, emotionally distressed has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.

f. **Sexual Exploitation.** Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
1) Invasion of sexual privacy by photographing;
2) Prostituting another person;
3) Taping or recording (using electronic or other means) another person of sexual activity;
4) Going beyond the boundaries of consent to sexual activity (letting your friends hide to watch you engaging in a state of full or partial nudity sexual activity);
5) Engaging in a place where one would have voyeurism;
6) Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
7) Inducing another to expose their genitals.

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

h. **False Reporting.** False reporting is making intentional false reports or accusations as opposed to reports or accusations, which, even if erroneous, are made in good faith.

6-8. **Threatening or Intimidating Behaviors,** defined as written or verbal conduct that causes a reasonable expectation of privacy without that person’s consent, and distributing or transmitting one or more such images, photographs or recordings without that person’s consent, injury to the health or safety of any person or damage to any property or implied threats or acts that cause a reasonable fear of harm in another.

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

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

9.11. Violation of University policies, rules or regulations or of campus regulations including, but not limited to, those governing residence in University-provided housing, or the use of University facilities, or the time, place and manner of public expression or the prohibition against retaliation contained in the policy on sexual harassment found in Section 330.060 of the Collected Rules and Regulations.

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

11. **Disruptive or disorderly conduct** or lewd, indecent, or obscene conduct or expression.

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

14. Failure to comply with directions of University officials acting in the performance of their duties.
13. The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.

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

14. **Misuse of computing resources** in accordance with University policy of computing resources, including but not limited to:

   a. Actual or attempted theft or other abuse.
   b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
   c. Unauthorized transfer of a file.
   d. Unauthorized use of another individual's identification and password.
   e. Use of computing facilities to interfere with the work of another student, faculty member, or University official.
   f. Use of computing facilities to interfere with normal operation of the University computing system.
   g. Knowingly causing a computer virus to become installed in a computer system or file.
200.020 (REDLINE 09-05-14)
200.020 Rules of Procedures in Student Conduct Matters

Bd. Min. 11-8-68, Amended Bd. Min. 3-20-81; Bd. Min. 12-8-89, Amended 5-19-94; Bd. Min. 5-24-1 Amended Bd. Min 7-27-12; Amended 6-19-14.

A. **Preamble.** The following rules of procedure in student conduct matters are hereby adopted in order to insure insofar as possible and practicable (a) that the requirements of procedural due process in student conduct proceedings will be fulfilled by the University, (b) that the immediate effectiveness of Section 10.030, which is Article V of the Bylaws of the Board of Curators relating to student conduct and sanctions may be secured for all students in the University of Missouri, and (c) that procedures shall be definite and determinable within the University of Missouri, and (d) that the requirements of Title IX of the Education Amendments of 1972, as amended, as well as other federal legislation (e.g.: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) are followed with respect to. Student conduct matters which involve alleged sexual misconduct and other misconduct alleged to constitute sex involving harassment or discrimination, as defined in is governed by Section 330.060 and Section 330.062 of the Collected Rules and Regulations. 200.025: Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization.

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

1. **Primary Administrative Officers.** As used in these procedures, the Chief Student Affairs Administrator on each campus is the Primary Administrative Officer except in cases of academic dishonesty, where the Chief Academic Administrator is the Primary Administrative Officer. Each Primary Administrative Officer may appoint designee(s) who are responsible for the administration of these conduct procedures, provided all such appointments must be in writing, filed with the Chancellor of the campus, and the office of General Counsel. The Primary Administrator's Office will certify in writing that the given designee has been trained in the administration of student conduct matters.

2. **Student Panel.** A panel of students appointed by the Chancellor, from which shall be selected by the Chair, upon the request of an accused student before the Student Conduct Committee, not more than three students to serve with the Student Conduct Committee.
3. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the campuses of the University. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.

4. **Student Conduct Committee.** As used in these procedures, "Student Conduct Committee," hereinafter referred to as the Committee, is that body on each campus which is authorized to conduct hearings and to make dispositions under these procedures or a Hearing Panel of such body as herein defined.

5. **Complainant.** As used in these procedures, the term “complainant” refers to the alleged victim of sexual misconduct or other misconduct alleged to constitute sex discrimination.

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

C. **Sanctions.**

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

   a. Warning. A notice in writing to the student that the student is violating or has violated institutional regulations.
   
   b. Probation. A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
   
   c. Loss of Privileges. Denial of specified privileges for a designated period of time.
   
   d. Restitution. Compensation for loss, damage, or injury to the University or University property. This may take the form of appropriate service and/or monetary or material replacement.
   
   e. Discretionary Sanctions. Work assignments, service to the University, or other related discretionary assignments.
   
   f. Residence Hall Suspension. Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
   
   g. Residence Hall Expulsion. Permanent separation of the student from the residence halls.
   
   h. University Dismissal. An involuntary separation of the student from the institution for misconduct apart from academic requirements. It is less than permanent in nature and does not imply or state a minimum separation time.
i. University Suspension. Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

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

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

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

E. Policy and Procedures.

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

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

a. **Student Conduct Committee:**

1) The Committee shall be appointed by the Vice Chancellor for Student Affairs and shall have the authority to impose appropriate sanctions upon any accused student or students appearing before it.

2) When deemed appropriate or convenient by the Chair of the Committee, the Chair may divide the Committee into Hearing Panels each consisting of no less than five (5) Committee members of which no more than two (2) shall be students. If the Chair creates such Hearing Panels, the Chair of the Committee shall designate a Hearing Panel Chair. A Hearing Panel has the authority of the whole Committee in those cases assigned to it. The Chair of the Committee or a Hearing Panel Chair shall count as one member of the Committee or Hearing Panel and have the same rights as other members.

3) The Vice Chancellor for Student Affairs shall appoint a panel of students, to be known as the Student Panel. Upon written request of an accused student before the Committee or, in cases involving allegations of sexual misconduct or other misconduct alleged to constitute sex discrimination, upon the written request of the complainant, made at least seventy-two (72) hours prior to the hearing, the Chair of the Committee shall appoint from the Student Panel not more than three students to sit with the Committee or the Hearing Panel Chair shall appoint two students to sit with the Hearing Panel for that particular case. When students from the Student Panel serve as members of the Committee or as members of the Hearing Panel, they shall have the same rights as other members of the Committee or Hearing Panel.

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

c. **Notice of Hearing.**

At least seven business days prior to the Student Conduct Committee Hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the accused student, the Primary Administrative Officer/Designee(s) shall initiate student conduct proceedings by arranging with
the Chair to call will send a meeting of the Committee and by giving written notice by certified mail or personal delivery, with a copy of said notice sent by email to the student’s official university email address, to the letter to the accused student accused of misconduct and, in cases involving alleged sexual misconduct or other misconduct alleged to constitute sex discrimination, to the complainant. The notice shall set forth with the date, time, and place following information:

1) A description of the alleged violation(s) and applicable policies
2) A description of the date, applicable procedures
3) A statement of the potential sanctions/remedial actions that could result
4) The time, date and place location of the hearing before the Committee.

Notice by certified mail may be addressed to the last address currently on record with the University. Failure by the student to have a current correct local address on record with the University shall not be construed to invalidate such notice. The notice shall be given a minimum of seven (7) consecutive days prior to the hearing, unless a shorter time the hearing will be held in their absence. For compelling reasons, the hearing may be rescheduled.

This Notice of Charges letter will be made in writing and will be fixed by delivered either:

i. In person, or
ii. Mailed to the local address of the accused student as indicated in official University records and emailed to the Chair for good cause. accused student’s University-issued email account. If there is no local address on file, mail will be sent to the accused student’s permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered. Any request for continuance to reschedule the hearing shall be made in writing to the Chair, who shall have the authority to reschedule the hearing if the request is timely and made for good cause. The Chair shall notify the Primary Administrative Officer/Designee(s) and the accused student, as well as the complainant if the charge involves an allegation of sexual misconduct or other misconduct alleged to constitute sex discrimination, of the new date for the hearing. If the accused student fails to appear at the scheduled time, the Committee may hear and determine the matter.

4. Right to Petition for Review: (other than University expulsion, University dismissal, or University suspension).

a. In all cases where the sanction imposed by the Committee is other than University expulsion, University dismissal, or University suspension, the Primary Administrative Officer/Designee(s) or the accused student or the complainant, in the case of any alleged sexual misconduct or other misconduct alleged to constitute sex discrimination, may petition the Chancellor or Designee in writing for a review of the decision within five (5) calendar business days after written
notification. A copy of the Petition for Review must also be served upon the non-appealing party or parties within such time. The Petition for Review must state the grounds or reasons for review in detail, and the non-appealing party or parties may answer the petition within five (5) calendar business days.

b. The Chancellor or Designee may grant or refuse the right of review. In all cases where the Petition for Review is refused, the action of the Committee shall be final. If the Chancellor or Designee reviews the decision, the action of the Chancellor shall be final unless it is to remand the matter for further proceedings.

5. **Right of Appeal** (University expulsion, University dismissal, or University suspension only).

   a. When an accused student is expelled, dismissed, or suspended from the University by the Committee, the Primary Administrative Officer/Designee(s), the accused student or the complainant, in the case of any alleged sexual misconduct or other misconduct alleged to constitute sex discrimination, may appeal such decision to the Chancellor or Designee by filing written notice of appeal stating the grounds or reasons for appeal in detail with the Chancellor within ten (10) calendar days after notification of the decision of the Committee. A copy of the Notice of Appeal will contemporaneously be given by the accused student to the Primary Administrative Officer/Designee(s) and complainant or by the Primary Administrative Officer/Designee(s) to the accused student and complainant, or by the complainant to the accused student and Primary Administrative Officer/Designee(s) business days after notification of the decision of the Committee. The appealing party may file a written memorandum for consideration by the Chancellor with the Notice of Appeal, and the Chancellor may request a reply to such memorandum by the appropriate party.

   b. The Chancellor or Designee shall review the record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings and shall notify each party of the accused student in writing of the decision on the appeal. The action of the Chancellor shall be final unless it is to remand the matter for further proceedings.

6. **Status During Appeal.** In cases of suspension, dismissal, or expulsion where a Notice of Appeal is filed within the required time, a student may petition the Chancellor in writing for permission to attend classes pending final determination of appeal. The Chancellor may permit a student to continue in school under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. In such event, however, any final sanctions imposed shall be effective from the date of the action of the Committee.
7. **Student Honor System.** Forums under the student honor systems established for investigating facts, holding hearings, and recommending and imposing sanctions are authorized when the student honor code or other regulations containing well defined jurisdictional statements and satisfying the requirements of Section 10.030, which is Article V of the Bylaws of the Board of Curators, have been reduced to writing and have been approved by the Chancellor and the Board of Curators and notice thereof in writing has been furnished to students subject thereto. Though the student honor system has jurisdiction, together with procedures set forth therein, instead of the Primary Administrative Officer/Designee(s), the standard of conduct called for in any such student honor system shall be deemed to contain at a minimum the same standards set forth in Section 200.010, entitled Standards of Conduct. Procedures shall satisfy the requirements of the Board of Curators' Bylaws, Section 10.030, which is Article V, and shall contain procedures herein before stated insofar as appropriate and adaptable to the particular situation and shall be approved by the Chancellor and the General Counsel. Students subject to student honor systems shall have the rights of appeal as set forth in Section 200.020 E.6 and 7.

F. **Hearing Procedures.**

1. **Conduct of Hearing.** The Chair shall preside at the hearing, call the hearing to order, call the roll of the Committee in attendance, ascertain the presence or absence of the student accused of misconduct, read the notice of hearing and charges and verify the receipt of notices of charges by the student, report any continuances requested or granted, establish the presence of any adviser or counselor of the student, and call to the attention of the accused student and the adviser any special or extraordinary procedures to be employed during the hearing and permit the student to make suggestions regarding or objections to any procedures for the Conduct Committee to consider.

   In cases where the misconduct charged is any form of sexual misconduct or any other misconduct alleged to constitute sex discrimination, the complainant will be afforded the same rights in the hearing as the accused student as described below. In such cases, questions between the accused student and the complainant will be made through the Chair.

   a. **Opening Statements.**
      1) The Primary Administrative Officer/Designee(s) shall make opening remarks outlining the general nature of the case and testify to any facts the investigation has revealed.
      2) The accused student may make a statement to the Committee about the charge at this time or at the conclusion of the University's presentation.
cases of nonconsensual sexual behavior the complainant may likewise make a statement to the Committee at either time.

b. **University Evidence.**
   1) University witnesses are to be called and identified or written reports of evidence introduced as appropriate.
   2) The Committee may question witnesses at any time.
   3) The accused student or, with permission of the Committee, the adviser or counselor may question witnesses or examine evidence at the conclusion of the University's presentation. In cases of nonconsensual sexual behavior the complainant may also question witnesses or examine evidence at the conclusion of the University's presentation and the questions by the accused student. In such cases, questions between the accused student and the complainant will be made through the Chair.

c. **Accused Student Evidence.**
   1) If the accused student has not elected to make a statement earlier under a(2) above, the accused student shall have the opportunity to make a statement to the Committee about the charge.
   2) The accused student may present evidence through witnesses or in the form of written memoranda.
   3) The Committee or Hearing Panel may question the accused student or witnesses at any time. The Primary Administrative Officer/Designee(s) may question the accused student or witnesses. In cases involving allegations of sexual misconduct or other misconduct alleged to constitute sex discrimination, the complainant may question witnesses; provided, however, that questions by the complainant for the accused student will be made through the Chair.

d. **Complainant’s Evidence** (in cases of alleged sexual misconduct or any other misconduct alleged to constitute sex discrimination)
   1) If the complainant has not elected to make a statement earlier under a(2) above, the complainant shall have the opportunity to make a statement to the Committee about the charge.
   2) The complainant may present evidence through witnesses or in the form of written memoranda.
   3) The Committee may question the complainant or witnesses at any time. The accused may question witnesses; provided, however, that questions by the accused for the complainant will be made through the Chair.

ed. **Rebuttal Evidence.** The Committee may permit the University or the accused, or in cases of nonconsensual sexual behavior, the complainant, to offer a rebuttal of the others’ presentation(s).

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

2. Rights of Accused upon Hearing and of Complainants in the Case of Alleged Sexual Misconduct or Other Misconduct Alleged to Constitute Sex Discrimination. A student or complainant appearing before a Committee shall have the right to:

a. Be present at the hearing;
b. Have an adviser or counselor and to consult with such adviser or counselor during the hearing;
c. Hear or examine evidence presented to the Committee;
d. Question witnesses present and testifying; provided, however, that in the case of allegations of sexual misconduct or other misconduct alleged to constitute sex discrimination, the accused student may not question the complainant directly and the complainant may not question the accused student directly, but all such questions shall be directed to the Chair of the Committee to be asked by the Chair; Question witnesses present and testifying;
e. Present evidence by witnesses or affidavit;
f. Make any statement to the Committee in mitigation or explanation of the conduct in question;
g. Be informed in writing of the findings of the Committee and any sanctions it imposes; and
h. Request review or appeal to the Chancellor as herein provided.

3. **Determination by the Student Conduct Committee.** The Committee shall then make its findings and determinations based on the preponderance of the evidence in executive session out of the presence of the Primary Administrative Officer/Designee(s) and the accused student. Separate findings are to be made:
   a. As to the conduct of the accused student, and
   b. On the sanctions, if any, to be imposed. No sanctions shall be imposed on the accused student unless a majority of the Committee present is convinced by the preponderance of the evidence that the student has committed the violation charged. In determining what sanction, if any, is appropriate, the Committee may take into consideration the previous disciplinary history of the accused student.

4. **Official Report of Findings and Determinations.** The Committee shall promptly consider the case on the merits and make its findings and determination and transmit them to the Primary Administrative Officer/Designee(s) and the accused student, as well as the complainant if the charge involves an allegation of sexual misconduct or other misconduct alleged to constitute sex discrimination, forthwith.

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

6. **General Rules of Decorum.** The following general rules of decorum shall be adhered to:
   a. All requests to address the Committee shall be addressed to the Chair.
   b. The Chair will rule on all requests and points of order and may consult with Committee's legal adviser prior to any ruling. The Chair's ruling shall be final and all participants shall abide thereby, unless the Chair shall present the question to the Committee at the request of a member of the Committee, in which event the ruling of the Committee by majority vote shall be final.
   c. Rules of common courtesy and decency shall be observed at all times.
   d. An adviser or counselor may be permitted to address the Committee at the discretion of the Committee. An adviser or counselor may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Chair after recognition.
7. **Record of Hearing.** An audio, video, digital, or stenographic record of the hearing shall be maintained. The notice, exhibits, hearing record, and the findings and determination of the Committee shall become the "Record of the Case" and shall be filed in the Office of the Primary Administrative Officer/Designee(s) and for the purpose of review or appeal be accessible at reasonable times and places to the University and the accused student(s) and/or the complainant in cases involving allegations of sexual misconduct and allegations of other misconduct alleged to constitute sex discrimination.

8. **Allegations of Sexual Misconduct and Allegations of Other Misconduct Constituting Sex Discrimination.** In such cases:
   
   a. The accused student and the complainant are entitled to have an advisor or counselor present during his or her participation in the hearing.
   
   b. The accused student and the complainant shall be informed of the outcome of any campus disciplinary proceeding brought alleging sexual misconduct or allegations of other misconduct alleged to constitute sex discrimination. Such notice shall be provided to the complainant without undue delay.

If the accused student is provided with access to information to be used during the proceeding in advance of the proceeding, then the complainant shall also be entitled to receive the same information in advance of the proceeding.
200.025 NEW 090314
Chapter 200: Student Conduct

200.25 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization

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 student, students or a student organization.

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

B. Definitions:

1. **University’s Anti-Discrimination Policies**. The University’s Anti-Discrimination Policies include the Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy located at Section 600.020 of the Collected Rules and Regulations.

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 person, persons or student organization alleged to have violated the University’s Anti-Discrimination Policies.

4. **Complaint**. Formal or informal complaint or notice of violation of the University’s Anti-Discrimination Policies.

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

6. **Appropriate Administrative Officers**. The Appropriate Administrative Officers are trained administrators designated by the Chancellor or designee and typically are the Title IX Coordinator, the Director of Student Conduct or the Chief Equity Officer/Affirmative Action Officer.
7. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the campuses of the University. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.

8. **Student Organization.** A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization in all proceedings.

9. **Equity Resolution Hearing Panelists.** A group of at least ten (10) administrators or staff appointed by the Chancellor or designee to serve as hearing panelists in the Formal Resolution Process.

10. **Equity Resolution Hearing Panel.** A group of three (3) trained administrators or staff from the larger group of Equity Resolution Hearing Panelists who serve as the Formal Hearing Panel for a specific Complaint.

11. **Equity Resolution Appellate Officer.** A trained, senior-level administrator appointed by the Chancellor or designee to hear all appeals stemming from the Equity Resolution Process.

12. **Formal Resolution.** Resolution of a Complaint by an Equity Resolution Hearing Panel.

13. **Informal Resolution.** Resolution of a Complaint by the Appropriate Administrative Officer.

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

**C. Filing a Complaint**

Any student, employee, volunteer or visitor who believes that a student or student organization has violated the University’s Anti-Discrimination Policies should contact the Chief Student Affairs Officer (or 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. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.

In matters of a student Complainant involving sexual misconduct, sex-based stalking, dating/intimate partner violence, and sexual harassment, as defined in Section 600.020C, the Title IX Coordinator should inform and obtain the consent from the Complainant before proceeding with an investigation. If the Complainant requests confidentiality or asks that the Complaint not be pursued, the Title IX Coordinator should take all reasonable steps to investigate and respond to the Complaint consistent with the request for confidentiality or the
request not to pursue an investigation. If a Complainant insists that identifiable information, such as the Complainant’s name, not be disclosed to the alleged perpetrator, the Title IX Coordinator should inform the Complainant that the institution’s ability to respond may be limited. The Title IX Coordinator should evaluate the Complainant’s request in the context of providing a safe and nondiscriminatory environment for all students. The University reserves the right to pursue a resolution when a Complainant chooses not to initiate an investigation or participate in the Equity Resolution Process, when necessary to protect the University community or others and provide a safe and nondiscriminatory environment for all students. If, after due deliberation, the Title IX Coordinator decides the University will not pursue the Complaint, the Title IX Coordinator should consider other steps to limit and remedy the effects of the alleged misconduct and prevent its recurrence.

D. Interim Remedies

During the Equity Resolution Process and prior to making a determination whether the alleged violation has occurred, the Appropriate Administrative Officer (or designee) may provide interim remedies including, but not limited to, one or more of the following:

1. Referral and facilitating access for Complainant to counseling, medical services and/or mental health services.
2. At Complainant’s request, assignment of a trained Advisor to provide support to the Complainant throughout the Equity Resolution Process.
3. Implementing contact limitations on the Accused or on all parties.
4. Referral of Complainant to victim advocacy and support services either on and/or off-campus.
5. Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant.
6. Adjusting the courses, assignments, exam schedules, etc. of the Complainant and/or the Accused.
7. Altering the on-campus housing assignments, dining arrangements, or other campus services for either the Complainant and/or the Accused.
8. Altering the extracurricular activities of either the Complainant and/or the Accused.
9. Providing transportation accommodations for the Complainant.
10. Informing the Complainant of her/his right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
11. Suspending, on an interim basis, the Accused from University housing, classes, the University campus/facilities/events and/or all other University activities or privileges for which the student might otherwise be eligible, when the Appropriate Administrative Officer or designee finds and believes from the available information that the presence of the Accused on campus
would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student will be initiated within seven business days.

a. In all cases in which an interim suspension is imposed, the Accused will be given the opportunity to meet with the Appropriate Administrative Officer prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.

b. At the discretion of Appropriate Administrative Officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Accused.

c. The Appropriate Administrative Officer has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.

d. Violation of an interim suspension under this policy will be grounds for expulsion.

12. Suspending, on an interim basis, the Accused 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 Accused Student Organization might otherwise be eligible, pending the completion of the Equity Resolution Process.

E. Investigation

Upon receipt of a Complaint, the Appropriate Administrative Officer and, in the case of sexual misconduct or allegations of other forms of sex discrimination as defined in Sections 600.020 and/or 200.010C of the Collected Rules and Regulations, the Title IX Coordinator or designee conducts a preliminary investigation to gather enough information to refer the matter to the appropriate resolution process and to provide appropriate interim remedies. If a Complainant wishes to pursue an investigation or if the University, based on the alleged policy violation, wishes to pursue an investigation, then the Appropriate Administrative Officer promptly investigates or appoints a trained investigator or a team of trained investigators. Investigation of reported misconduct brought directly by Complainant should be completed expeditiously, normally within 30 business days of notice to the Appropriate Administrative Officer. 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 this process are being investigated. University action will not typically be altered or precluded on the grounds that
All investigations will be thorough, reliable and impartial, and will include interviews with relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. The parties are allowed to have an Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings.

F. Advisors

Each Complainant and Accused is allowed to have one Advisor 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 Advisor, including an attorney or parent. If requested by either the Complainant or the Accused, the Appropriate Administrative Officer will 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 parties may not require that the assigned Advisor have specific qualifications such as being an attorney. An Advisor is not required and any party may elect to proceed without an Advisor.

The Advisor may not make a presentation or represent the Complainant or the Accused during any meeting or proceeding. The parties are expected to ask and respond to questions on their own behalf, without representation by their Advisor. The Advisor may consult with the advisee quietly or in writing, or outside the meeting or proceeding during breaks, but may not speak on behalf of the advisee to the investigators or hearing panelists. 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, the Appropriate Administrative Officer during the Informal Resolution process, or the Equity Resolution Hearing Panel Chair during the Formal Resolution process. If warned, a second violation will result in dismissal of the Advisor from the meeting or proceeding.

G. Resolution of a Complaint

During or upon the completion of investigation, the Appropriate Administrative Officer will review the investigation, which may include meeting with the investigators. Based on that review, the Appropriate Administrative Officer will make a decision on whether a reasonable person could, based on the evidence gathered, find the Accused responsible for violating the University’s Anti-Discrimination Policies. If, in the opinion of the Appropriate Administrative Officer, a reasonable person could find the Accused responsible based on the
evidence presented, the Appropriate Administrative Officer will direct the process to continue and the Complaint will be resolved through one of three processes discussed briefly here and in greater detail below:

- **Conflict Resolution** – Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice
- **Informal Resolution** – Resolution by the Appropriate Administrative Officer
- **Formal Resolution** – Resolution by the Equity Resolution Hearing Panel

The parties may select Conflict Resolution (subject to the approval of the Appropriate Administrative Officer), Informal Resolution or Formal Resolution for resolution of the Complaint.

If either party or both parties select a Formal Resolution, the Complaint will be addressed using the Formal Resolution option. If there is no Complainant, the Accused may select either Informal Resolution or Formal Resolution for resolution of the Complaint.

If, following the review described above, the Appropriate Administrative Officer decides that no reasonable person could find the Accused in violation, then the process will end. 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, Complainant may request that the Title IX Coordinator reopen the investigation. If there is reasonable cause to reopen the investigation, the Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, Informal Resolution or Formal Resolution, based on the below criteria. This decision lies in the sole discretion of the Title IX Coordinator. Such decisions are considered final.

1. **Notice of Charges**

   At least seven business days prior to the applicable resolution process, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the parties, the Appropriate Administrative Officer will send a letter to the parties with the following information:
   a. A description of the alleged violation(s) and applicable policies
   b. A description of the applicable procedures
   c. A statement of the potential sanctions/remedial actions that could result
   d. An indication that the parties may have the assistance of an Advisor of their choosing, throughout the resolution process, though the Advisor’s attendance at throughout the resolution process is the responsibility of the respective parties
   e. A statement that Retaliation is prohibited

   This Notice of Charges letter will be made in writing and will be delivered
either:
  i. In person, or
  ii. Mailed to the local address of the respective party as indicated in official University records and emailed to the party’s University-issued email account. If there is no local address on file, mail will be sent to the party’s permanent address.

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

2. **Conflict Resolution**

The Appropriate Administrative 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. Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Informal Resolution or Formal Resolution processes to resolve conflicts. Mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. In a conflict resolution meeting, the Appropriate Administrative Officer will facilitate a dialogue with the parties to an effective resolution, if possible.

Sanctions and appeals are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Appropriate Administrative Officer will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. The Appropriate Administrative Officer utilized for Conflict Resolution may not be the same as the Appropriate Administrative Officer used in either the Informal Resolution or Formal Resolution Processes.

Conflict resolution will not be the primary resolution mechanism used to address complaints of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Appropriate Administrative Officer believe that it could be beneficial. It is not necessary to pursue conflict resolution prior to pursuing either Informal Resolution or Formal Resolution and either party can stop that process at any time and request either the Informal Resolution or Formal Resolution Process.
3. **Procedural Details for Informal Resolution and Formal Resolution.**

For both the Informal and Formal 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. Three members of the organization may represent the Accused Student Organization in all proceedings.

c. Questioning or evidence about the Complainant’s prior sexual conduct is not permitted, though the Appropriate Administrative Officer or Equity Resolution Hearing Panel Chair may grant a limited exception in regards to the sexual history between the parties.

d. The resolution process will normally be completed within 60 business days. Deviations from this timeframe will be promptly communicated to both parties.

e. The Accused may not directly question the Complainant and the Complainant may not directly question the Accused. However, if both Complainant and Accused request the opportunity, direct questioning between the parties will be permitted. Otherwise questions will be directed through the Chair, the Investigator or the Appropriate Administrative Officer and those questions deemed appropriate and relevant will be asked on behalf of the requesting party.

f. Informal resolution procedures may be used when both parties elect to resolve the Complaint using the Informal Resolution or when there is no Complainant and the Accused elects Informal Resolution.

g. At any time prior to the conclusion of the Informal Resolution process (i.e.: prior to a finding being made as to responsibility for the charges), the Complainant and/or the Accused may request that the Complaint shift to the Formal Resolution process. Upon receipt of such a request from either or both parties, the Complaint will shift to the Formal Resolution Process.

h. The Appropriate Administrative Officer may, in their discretion, grant reasonable extensions to the timeframes and limits provided.

i. The Resolution Processes will proceed regardless of whether the Accused chooses to participate in the investigation, the finding or the hearing.

4. **Rights of the parties in Informal Resolution and Formal Resolution.**

a. **Statement of the Rights of the Complainant**
   1) To be treated with respect by University officials.
   2) Access to campus support resources (such as counseling and mental health services and University health services).
3) To have an Advisor of their choice accompany them to all interviews, meetings and proceedings throughout the Equity Resolution Process.
4) To refuse to have an allegation resolved through the Informal Resolution Process.
5) To request amnesty for minor student misconduct that is ancillary to the incident.
6) To receive advance notice of the investigation and notice of a Formal Resolution Hearing.
7) An equal opportunity to present a list of potential witnesses and provide evidence.
8) To be free from retaliation.
9) To have Complaints heard in substantial accordance with these procedures.
10) Where the Complainant is not the reporting party, the Complainant has full rights to participation in any Equity Resolution Process.
11) To be informed of the finding, rationale and sanction (where applicable to the Complainant) of the Complaint in writing.
12) To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13) To request reasonable housing, living and other accommodations and remedies consistent with Section 200.025D of the Collected Rules and Regulations.
14) To request a no contact directive between the parties.
15) Equal opportunity to appeal the findings and sanction.
16) Additional Rights For Formal Resolution:
   o To have the names of witnesses that may participate in the hearing at least two days prior to the hearing.
   o To have copies of all pertinent documentary evidence and any investigative report at least two business days prior to the hearing.
   o To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)

b. Statement of the Rights of the Accused
1) To be treated with respect by University officials.
2) Access to campus support resources (such as counseling and mental health services and University health services), unless suspended 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 conflict resolution procedures or using the Informal Resolution process.
5) An equal opportunity to present a list of potential witnesses and provide evidence.

6) To receive notice of the policies alleged to have been violated and notice of a Formal Resolution Hearing.

7) To have complaints heard in substantial accordance with these procedures.

8) To be informed of the finding, rationale and sanction of the Complaint in writing.

9) Equal opportunity to appeal the findings and sanction.

10) Additional Rights For Formal Resolution:
   a) To have the names of witnesses that may participate in the hearing at least two days prior to the hearing.
   b) To have copies of all pertinent documentary evidence and any investigative report at least two business days prior to the hearing.
   c) To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)

5. **Informal Resolution: Resolution by the Appropriate Administrative Officer**

Informal Resolution, or Resolution by the Appropriate Administrative Officer, can be pursued for any behavior that falls within the University’s Anti-Discrimination Policies. Informal Resolution may be used when both parties elect to resolve the Complaint using the Informal Resolution process or, if there is no Complainant, the Accused elects Informal Resolution.

The Informal Resolution process consists of a prompt thorough and impartial investigation, a finding on each of the alleged policy violations, and sanctions for findings of responsibility.

The Appropriate Administrative Officer will meet with the Accused to review the charges and the investigation. 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 Appropriate Administrative Officer will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the Appropriate Administrative Officer will render a finding utilizing the preponderance of the evidence standard. The Appropriate Administrative Officer will also determine appropriate sanctions or remedial actions. The findings and sanctions are subject to appeal.

At any point during the Investigation and Informal Resolution process prior to the finding (i.e.: the conclusion of the Informal Resolution process), either
party may request that the matter be referred to the Formal Resolution for presentation before The Equity Resolution Hearing Panel.

At least three business days prior to rendering a finding on disputed violations, the Appropriate Administrative Officer will provide the parties with written notice of intent to render a finding using Informal Resolution, either

i. In person, or

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

Once emailed, notice will be presumptively delivered.

If, after at least three business days neither of the parties request in writing that the matter be referred to the Formal Resolution process, the Appropriate Administrative Officer will render a finding on the disputed violations. Once findings have been made, the right to the Formal Resolution process is waived and the Informal Resolution process is complete. The finding of the Informal Resolution process remains subject to appeal.

The Appropriate Administrative Officer will inform the Accused and the Complainant of the final determination 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:

i. In person, or

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

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

6. **Formal Resolution: Resolution by the Equity Resolution Hearing Panel**

For Complaints that are not resolved through Informal Resolution, the Appropriate Administrative Officer will initiate the Formal Resolution Process.

a. **Equity Resolution Hearing Panelist Pool**

The University will create and annually train a pool of not less than ten (10) administrators or staff as hearing panelists. Panelists are appointed
by the Chancellor (or designee) to serve a renewable term of three (3) years. Panelist appointments should be made with attention to representation of groups protected by the University’s Anti-Discrimination Policies. The Chancellor (or designee) will select a Hearing Panelist Chair, who assigns and coordinates the pool and those Panelists assigned to specific hearings.

b. **Equity Resolution Hearing Panel**

When a Complaint is not resolved through the Informal Resolution Process, the Hearing Panelist Chair will assign three members from the Hearing Panelist pool to serve on the specific Hearing Panel and will also designate the Chair of the panel. An alternate may be designated to sit in throughout the process as needed. The Chair of the Hearing Panel helps ensure that the process adheres materially to the procedural elements of the Equity Resolution Hearing Process. The institution reserves the right to have its attorney or attorneys present during the hearing.

c. **Notice of Hearing**

At least seven business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the parties, the Appropriate Administrative Officer will send a letter to the parties with the following information:

1) A description of the alleged violation(s) and applicable policies
2) A description of the applicable procedures
3) A statement of the potential sanctions/remedial actions that could result
4) An indication that the parties may have the assistance of an Advisor of their choosing, at the hearing, though the Advisor’s attendance at the hearing is the responsibility of the respective parties. The Advisor may not address the Hearing Panel.
5) The time, date and location of the hearing. If any party does not appear at the scheduled resolution process, the resolution process will be held in their absence. For compelling reasons, the resolution process may be rescheduled.

This Notice of Hearing letter will be made in writing and will be delivered either:

i. In person, or

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

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

d. **Equity Resolution Hearing Panel – General Procedures**

Equity Resolution Hearing Panels will be convened, usually within one to two weeks of the completion of the investigation. The Hearing Panel has the authority to hear all collateral allegations of misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that are alleged to have occurred in concert with the alleged discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the jurisdiction of the Equity Resolution Procedure. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the Chair, the two other members of the Hearing Panel, and may include the investigator(s) of the Complaint, the Complainant, the Accused (or up to three organizational representatives in a case where an organization is charged), Advisors to the parties and any called witnesses.

At least four business days prior to the hearing, the parties will give to the Appropriate Administrative Officer a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least two business days prior to the hearing, the Appropriate Administrative Officer will have available for the parties to pick-up the names of proposed witnesses, copies of all pertinent documentary evidence and a copy of any investigative report. In addition, the parties will be given a list of the names of each of the Equity Resolution Hearing Panel members at least two business days in advance of the hearing. Should any Complainant or Accused object to any panelist, they must raise all objections, in writing, to the Hearing Panelist Chair as soon thereafter as possible. Hearing Panel members will only be unseated if the Hearing Panelist Chair concludes that their bias precludes an impartial hearing of the Complaint. Additionally, any panelist or Chair of the Hearing Panel who feels they cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

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 investigation 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. If alternative attendance or questioning mechanisms are desired such as the grievant not wanting to be in the same room as the accused for the hearing (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two business days prior to the hearing. The University will make reasonable accommodations for both parties in keeping with the principles of equity and fairness.

e. **The Hearing**

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant may be considered, including history of related misconduct by the Accused that shows a pattern. The Chair of the Hearing Panel will address any evidentiary concerns prior to and/or during the hearing and may exclude irrelevant or immaterial evidence. The Chair of the Hearing Panel will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. There will be no observers permitted in the hearing other than as provided herein.

Once the procedures are explained and the participants are introduced, the investigator(s) will present the report of the investigation first, and be subject to questioning by the parties and the Hearing Panel. The investigator(s) will be present during the entire hearing process. The Hearing Panel will then permit testimony by the parties and any present witnesses. The parties may question anyone giving testimony. Questions may be directed through the panel at the discretion of the Chair of the Hearing Panel.

Unless the Chair of the Hearing Panel determines it is appropriate, no one will present information or raise questions concerning:

1) Incidents not directly related to the possible violation, unless they show a pattern.
2) The sexual history of the Complainant (though there may be a limited exception made in regards to the sexual history between the parties).
3) The character of the Complainant.

The Chair of the Hearing Panel may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Panel or the parties involved. The Panel does
not hear from character witnesses.

In hearings involving more than one accused individual or in which two Complainants have accused the same individual of substantially similar conduct, the standard procedure will be to hear the Complaints jointly; however, the Appropriate Administrative Officer or the Chair of the Hearing Panel may permit the hearing pertinent to each Accused to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each Accused.

f. Decisions

The three members of the Equity Resolution Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to determine whether the Accused is responsible or not responsible for the policy violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the Accused committed each alleged violation). If an Accused is found responsible by a majority of the panel, the panel will determine appropriate sanctions.

The Equity Resolution Hearing Panel Chair will prepare a written panel report and deliver it to the Appropriate Administrative Officer detailing the finding, how each member voted, the information cited by the panel in support of its determination and any information the Equity Resolution Hearing Panel excluded from its consideration and why. The report should conclude with sanctions. This report should not exceed two pages in length and is typically submitted to the Appropriate Administrative Officer within two (2) business days of the end of deliberations. Deviation from the 2-day period will be communicated to the parties, along with an expected time to completion.

The Appropriate Administrative Officer will inform the Accused and the Complainant of the final determination within 3 business days of receipt of the panel report, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods:

i. In person.

ii. Mailed to the local or permanent address of the parties as indicated in official University records.

iii. Emailed to the parties’ University-issued email account.

Once mailed, emailed and/or received in-person, notice will be presumptively delivered.
g. **Sanctions**

1) **Factors considered in sanctioning**

When the Accused is found responsible, the Equity Resolution Hearing Panel assigned to the Complaint in the Formal Resolution Process or the Appropriate Administrative Officer in the Informal Resolution Process will determine sanctions and remedial actions. The Appropriate Administrative Officer will apply and enforce the sanctions and remedial actions and may also add other remedial actions as deemed appropriate. 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 Resolution Hearing Panel in the Formal Resolution Process or the Appropriate Administrative Officer in the Informal Resolution Process.

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 Accused or Accused Student Organization found to have violated the University’s Anti-Discrimination Policies or the Student Conduct Code; more than one of the sanctions may be imposed for any single violation. Sanctions include but are not limited to:

a) **Warning.** A notice in writing to the Accused or Accused Student Organization that there is or has been a violation of institutional regulations.

b) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Accused or Accused Student Organization is found to be violating any institutional regulation(s) during the probationary period.

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

d) **Restitution.** 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.

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

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

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

h) Campus Suspension. Accused is suspended from being allowed on 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.

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

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

k) Withdrawal of Recognition. Accused Student Organization loses its Official Approval as a recognized student organization. May be either temporary or permanent.

l) University Expulsion. Permanent separation of the Accused from the University.

7. **Withdrawal While Charges Pending**

   Should an Accused decide to withdraw from the University and not participate in the investigation and/or hearing, the process will nonetheless proceed in the Accused’s absence to a reasonable resolution and, if the Accused is found responsible, the Accused will not be permitted to return to University unless all sanctions have been satisfied.

8. **Equity Resolution Panel Appellate Process**

   a. **Equity Resolution Appellate Officer**

      An administrator is appointed by the Chancellor to serve as the University’s Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer will be the individual who reviews all appeals to determine if they meet the requirements for appeal and, if the appeal does meet the requirements to appeal, examines the
appeal and the entire record of the case, including but not limited to hearing testimony, all forms of evidence, the investigative report and record, to render a determination on the appeal.

b. **Grounds for Appeal**

Both Complainant and Accused are allowed to appeal the decision of the Equity Resolution Panel or the Appropriate Administrative Officer, but appeals are limited to the following:

1) A procedural error occurred that significantly impacted the outcome of the Informal or Formal Resolution (e.g. substantiated bias, material deviation from established procedures, etc.).

2) To consider new evidence, unavailable during the original hearing, Informal or Formal Resolution or investigation, that could substantially impact the original finding or sanction.

3) The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Accused.

Both parties 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 Panel Appellate Officer within three business days of the delivery of the written finding of the Equity Resolution Hearing Panel or the Appropriate Administrative Officer. The Equity Resolution Appellate Officer may, in their discretion, grant an extension of 5 business days to both parties file a request for appeal.

c. **Requests for Appeal**

Appeals must meet the various requirements for appeal, or the Appeal is denied without being fully considered on its merits. This helps ensure the efficient and timely operation of the appellate process. Accordingly, when the parties submit an appeal, they are deemed to “request” that their appeal be heard and the Equity Resolution Appellate Officer will review the appeal to determine if it meets the requirements for an appeal.

d. **Review of the Request to Appeal**

The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an
appeal, the other party (parties) will be notified. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The Equity Resolution Appellate Officer will then review the request for appeal to determine whether:

1) The request is timely, and
2) The appeal is on the basis of any of the three articulated grounds listed above in Section 200.025G.6(b), and
3) 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 a decision is final.

e. **Review of the Appeal**

If all three requirements for appeal listed above are met, The Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

1) Decisions by the Equity Resolution Appellate Officer are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/remedial action only if there is a compelling justification to do so.

2) Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the Formal Resolution or Informal Resolution, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original Equity Resolution Hearing Panel or Appropriate Administrative Officer for reconsideration.

3) Sanctions imposed are implemented immediately unless the Equity Resolution Hearing Panel or Appellate Officer or designee stays their implementation pending the outcome of the appeal.

4) 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.

5) All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.

6) Once an appeal is decided, the outcome is final: further appeals are not permitted.

9. **Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions**
All Accused are expected to comply with all sanctions, remedial actions and corrective actions within the time frame specified by the Appropriate Administrative Officer (Informal Resolution), the Equity Resolution Hearing Panel (Formal Resolution) or the Equity Resolution Appellate Officer. Failure to follow through on these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/remedial/corrective actions and/or suspension, expulsion or withdrawal of recognition from the University. Suspension will only be lifted when compliance is achieved to the satisfaction of the Appropriate Administrative Officer.

10. Records

In implementing this policy, records of all Complaints, resolutions, and hearings will be kept by the Appropriate Administrative Officer. An audio, video, digital, or stenographic record of the hearings will be maintained and will be filed in the office of the Appropriate Administrative Officer or designee and, for the purpose of review or appeal, be accessible at reasonable times and places to the Accused and the Complainant. Letters of notice, exhibits, hearing record, and the findings and determination of the Hearing Panel will become the “Record of the Case” Files will be kept for seven (7) years following final resolution.
320.010 (REDLINE 09-05-14)
320.10 Equal Employment/Educational Opportunity Policy

Bd. Min. 2-19-71; Reaffirmed Bd. Min. 10-14-77; Amended Bd. Min. 5-23-80; Amended Bd. Min. 10-15-82; Amended Bd. Min. 10-16-03; Amended Bd. Min. 6-19-14.

A. Policy -- The Curators of the University of Missouri do hereby reaffirm and state the policy of the University of Missouri on Equal Employment/Educational Opportunity.

1. Equal Opportunity is and shall be provided for all employees and applicants for employment on the basis of their demonstrated ability and competence without discrimination on the basis of their race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, or status as a Vietnam era veteran. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.

2. Equal Opportunity is and shall be also provided for all students and applicants for admission in compliance with existing legislation.

B. Procedures -- The President of the University shall establish affirmative action procedures to implement this policy.
600.020 (REDLINE 09-05-14)
Chapter 330: Employee Conduct 600: Equal Employment/Educational Opportunity

330.62 Title IX Policy and Procedures — 600.020. Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy

Executive Order 40, 4-8-14; Revised 6-19-14.

The policy set forth in this rule is intended to supplement the existing policies of the University of Missouri System and its respective campuses, as those policies relate to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sections 1881 et seq., and its implementing regulations, 34 C.F.R. Part 106; Title VII of the Civil Rights Act of 1964 and its implementing regulations, 29 C.F.R. Part 1604.11, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f). In all informal or formal procedures involving allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct, regardless of any language found within the applicable procedural rules, the following shall apply:

A. Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education

Sex discrimination is prohibited by University policy and law in educational programs, activities and employment. Title IX applies to all students, employees, volunteers and visitors at the University and prohibits unequal treatment on the basis of sex as well as sexual harassment and sexual misconduct, which are both forms of sex discrimination as defined in Section 600.020C of the Collected Rules and Regulations. Additionally, there is a specific application of Title IX in athletic programs to ensure gender equity and that women and men have equitable access to sports opportunities. As used in this policy, the word “sex” is also inclusive of the term “gender.”

B. Statement of Nondiscrimination

As stated in its applicable rules and policies, the University of Missouri does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability or status as a protected veteran. The University affirms its commitment to providing equal opportunities by establishing the Equal Opportunity Policy statement in Section 320.010 of the Collected Rules and Regulations. The University’s nondiscrimination policies apply to any phase of its employment process, any phase of its admission or financial aid programs, and other aspects of its educational programs or activities. Additionally, this policy and the existing Title IX policies apply to allegations of sexual misconduct or allegations of other misconduct alleged to constitute forms of sex discrimination, as defined in Section C600.020C below, all of which are forms of sex discrimination, occurring within the University’s educational programs and activities and instances occurring in other settings, including off-campus, if there are effects of the conduct that interfere with or limit students’ ability to participate in or benefit from the University’s educational programs and activities. Notices of nondiscrimination are posted on the websites and at other locations for the UM System and each of the campuses.
C. Definitions

1. **Sex Discrimination** — Sex discrimination occurs when a person has been treated inequitably based on her/his sex, gender identity, or gender expression. Specifically, the University of Missouri System upholds Title IX, which states in part that “[n]o person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.” Sexual harassment, sexual misconduct and sexual exploitation, **stalking on the basis of sex and dating/intimate partner violence** are forms of sex discrimination.

2. **Sexual Harassment** — Sexual harassment is a subset of sex discrimination and is therefore prohibited. Sexual harassment is defined as either:
   a. Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
   b. Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
      1) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
      2) The purpose or effect of such conduct is to interfere unreasonably with the work or academic performance of the person being harassed; or
      3) The purpose or effect of such conduct is to create an intimidating, hostile, or offensive environment. The term “hostile environment” means that the sexual harassment must be by being sufficiently severe or pervasive and objectively offensive to alter the terms and conditions of the Complainant's participation in or benefit from educational or work environment programs or activities or employment access, benefits or opportunities.

3. **Sexual Misconduct** — Sexual misconduct is a subset of sexual harassment and is thus also prohibited as a kind of sex discrimination. Sexual misconduct is including but not limited to: 1) nonconsensual sexual intercourse; 2) nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing; or 3) exposing one's genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; or sexual exploitation. The term nonconsensual includes, without limitations, circumstances in which the alleged victim was incapacitated by alcohol, drugs or other circumstances and, therefore, incapable of consenting; sexual exploitation.

4. **Stalking on the Basis of Sex.** Stalking on the basis of sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
5. **Dating/Intimate Partner Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.

4.6. **Sexual Exploitation.** Sexual exploitation is a subset of sexual misconduct and occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:

(a). Invasion of sexual privacy;
(b). Prostituting another person;
(c). Taping or recording of sexual activity;
(d). Going beyond the boundaries of consent to sexual activity (letting your friends hide to watch you engaging in sexual activity);
(e). Engaging in voyeurism;
(f). Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
(g) Exposing one's genitals to another person or Inducing another to expose their genitals;
(h) Sex based stalking or bullying.

5.7. **Consent to Sexual Activity.** Consent to sexual activity is a knowing and voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or absence of resistance does not establish consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. Coercion, and force, or threat of either, invalidates consent.

6.8. **Incapacitated.** Sexual contact with someone one knows to be or should know to be incapacitated is a violation of policy. An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.

9. **Complainant.** The term “Complainant” refers to the person that is the alleged victim of discrimination under this policy.

D. **Title IX Coordinators**

Duties and responsibilities of the University’s Title IX Coordinators include monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and coordination with grievance procedures for faculty, staff, students and other members of the University community.
The University may designate Deputy Coordinators as needed to assist in fulfillment of the Coordinator's duties and responsibilities.

NOTE: All references to “Title IX Coordinator” throughout this policy refer to the Title IX Coordinator or the Coordinator’s designee (typically a Deputy Coordinator).

Any person having inquiries concerning the application of Title IX should contact their respective UM System or campus Title IX Coordinator. The following individuals serve as Title IX Coordinators and are designated to handle inquiries regarding the non-discrimination policies and to serve as the coordinators for purposes of Title IX compliance:

**University of Missouri System**
Betsy Rodriguez, Ph.D.
Vice President Human Resources
**Address:**
215 University Hall
Columbia, MO 65211
**Telephone Number:** (573) 882-8279
**Email Address:** rodriguezea@umsystem.edu

**Missouri University of Science and Technology**
Shenethia Manuel, J.D.
Associate Vice Chancellor, Human Resource Services, Affirmative Action, Diversity, and Inclusion
**Address:**
113 Centennial Hall
300 W. 12th Street
Rolla, MO 65409
**Telephone Number:** (573) 341-4920
**Email Address:** manuels@mst.edu
http://titleix.mst.edu/

**University of Missouri-Columbia**
Linda Bennett
Interim Title IX Coordinator
**Address:**
321 I Townsend Hall
Columbia, MO 65211
**Telephone Number:** 573-882-7915
**Email Address:** bennettli@missouri.edu
http://equity.missouri.edu/titleix.php

**University of Missouri-Kansas City**
Michael Bates, J.D.
Director of Affirmative Action
Human Resources
**Address:**
212 Administrative Center
5100 Oak Street
Kansas City, MO 64110
Telephone Number: (816) 235-6910
Email Address: batesmd@umke.edu
http://www.umkc.edu/hr/TitleIX/default.asp

University of Missouri-St. Louis
Deborah J. Burris
Director and Chief Diversity Officer
Office of Equal Opportunity
Address:
127 Woods Hall
Saint Louis, MO 63121
Telephone Number: 314 516-5695
Email Address: burrisd@umsl.edu
http://www.umsl.edu/services/oeo/policies1/titleIX.html

If the complaint involves the University’s Title IX Coordinator, complaints may be made to the System Title IX Coordinator. If the complaint involves the System Title IX Coordinator, reports may be made to the System President.

NOTE: The above-listed contact information for Title IX Coordinators may be updated as needed and without requiring the approval of the Board of Curators.

E. Reporting Sexual Harassment including Sexual Misconduct

1. Students, Employees, Volunteers and Visitors — Students, employees, volunteers and visitors of the University who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, are encouraged to report the incident promptly to the appropriate Title IX Coordinator listed in Section D600.020D above. For questions regarding confidentiality or requests that the complaint not be pursued, see Section F. below600.020F below. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses for minor student conduct violations ancillary to the incident.

2. Mandated Reporters — Any employee of the University who becomes aware of an act of sexual harassment, sex discrimination as defined in this policy (including sexual harassment, sexual misconduct), stalking on the basis of sex, dating/intimate partner violence or sexual exploitation is a Mandated Reporter, regardless of whether the recipient of the behavior which could be characterized as sexual harassment, when perpetrated against a student, employee, volunteer or visitor of the University is considered a Mandated Reporter. Exception: Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication. This also means that the employee seeking the exemption is employed by the University for that specific purpose and was acting in that capacity when the confidential disclosure was made. If the information is not learned in the course of confidential communication (for example, behavior is observed in class) then the employee has the same obligation as a Mandated Reporter. Consistent with the law and upon approval from the Office of General Counsel, campuses may also designate a campus-based victims advocate or victim advocacy-related personnel as
confidential for purposes of this policy and, therefore, excluded from the definition of Mandated Reporters.

3. **Required Reporting and Disclosure** A Mandated Reporter is required to promptly report the information s/he receives to the appropriate Title IX Coordinator. The Mandated Report must be made regardless of whether the person reporting the information to the Mandated Reporter requests confidentiality and regardless of how the Mandated Reporter becomes aware of the offensive behavior (personal observation, direct information from the subject of the behavior, indirect information from a third party, etc.). If the Complainant, as defined in Section 200.020 (B)(5) of the Collected Rules and Regulations, requests confidentiality or that the charges not be pursued, the Mandated Reporter should warn the Complainant that, at this stage in the process, the Mandated Reporter must report some/all known information to the Title IX Coordinator, depending on the employment status of the Mandated Reporter. The UM System and campuses should provide appropriate training to those employees likely to witness or receive reports of sexual harassment and violence.

4. **Content of Mandated Report to Title IX Coordinator** The information required of the Mandated Reporter will be based on the employment status of that individual. Supervisors must report all details that they possess. This includes names of the parties, if known, and all other information in the supervisor's possession. Non-supervisory employees must report the known circumstances of the harassing behavior but their initial report is not required to give the name or other identifying information about the mandator's possession. The Title IX Coordinator will advise whether additional information needs to be reported.

F. **Requests for Confidentiality or Not to Pursue a Preliminary Investigation**

1. The Title IX Coordinator or other appropriate official should inform and obtain the consent from the Complainant before beginning a preliminary investigation. If the Complainant requests confidentiality or asks that the complaint not be pursued, the Title IX Coordinator should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information, such as the Complainant's name, not be disclosed to the alleged perpetrator, the Title IX Coordinator should inform the Complainant that the institution's ability to respond may be limited. The Title IX Coordinator should evaluate the Complainant's request in the context of providing a safe and nondiscriminatory environment for all students.

2. After due deliberation of the Complainant's request, and in accordance with Title IX, the Title IX Coordinator may decide not to proceed with an investigation or referral to the appropriate procedural process. Such a decision should be well-reasoned and documented. If, after due deliberation, the Title IX Coordinator decides the University cannot or should not take disciplinary action against the alleged harasser, the Title IX Coordinator should consider other steps to limit the effects of the alleged harassment and prevent its recurrence, and remedy its effects on the victim and the University community.

G. **Cooperation with Law Enforcement**
In accordance with federal law, the Title IX Coordinator will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Title IX preliminary investigation. It may be necessary to delay temporarily the fact-finding portion of a Title IX preliminary investigation while the police are gathering evidence. The Title IX Coordinator will promptly resume the preliminary Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Title IX Coordinator will implement appropriate interim steps during the law enforcement agency’s investigation period to provide for the safety of the Complainant and the campus community and the avoidance of retaliation.

H. Interim Remedies Available During Investigation

During the preliminary investigation and grievance procedural process and prior to making a determination whether the alleged sexual misconduct or other misconduct alleged to constitute sex discrimination violation has occurred, the Title IX Coordinator or other authorized administrators may provide interim remedies including, but not limited to, one or more of the following:

1. Granting the request of the Complainant or the accused person to change classes, assignments or tests to avoid the other person;
2. Granting the request of the Complainant or the accused person to change to another housing unit to avoid the other person;
3. Granting the request of the Complainant or the accused person to change extracurricular activities to avoid the other person;
4. Granting the request of the Complainant or the accused person to change transportation, dining facilities or other services to avoid the other person;
5. Granting the request of the Complainant or the accused to alternative work assignments;
   1. Informing the Complainant of Referral and facilitating access to available resources for victim advocacy, Complainant to counseling, medical services, and/or mental health services, housing assistance,
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. Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant;
5. Informing Adjusting the courses, assignments, exam schedules of the Complainant and/or the Accused.
6. Adjusting the work schedules, work assignments, supervisory responsibilities, supervisor reporting responsibilities or work arrangements of the Complainant and/or the Accused.
7. Altering the on-campus housing assignments, dining arrangements, or other campus services for either the Complainant and/or the Accused.
8. Altering the extracurricular activities of either the Complainant of her/his or the Accused.
9. Providing transportation accommodations for the Complainant.
10. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
11. Suspending, on an interim basis, the Accused from University housing, classes, the University campus/facilities/events and/or all other University activities or
privileges for which the Accused might otherwise be eligible, when the Appropriate Administrative Officer or designee finds and believes from the available information that the presence of the Accused 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 status of the student will be initiated within seven business days.

a. In all cases in which an interim suspension is imposed, the Accused will be given the opportunity to meet with the Appropriate Administrative Officer prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.

b. At the discretion of Appropriate Administrative Officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Accused.

c. The Appropriate Administrative Officer has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.

d. Violation of an interim suspension under this policy will be grounds for expulsion.

2-12. Institute leave from work with or without pay for the Complainant and/or Accused.

I. Preliminary Investigation

A preliminary investigation into the report shall be conducted by the Title IX Coordinator or designee. For questions regarding confidentiality or requests that the complaint not be pursued, see Section F600.020F above. The purpose of the preliminary investigation is to gather enough information to refer the matter to the appropriate grievance procedural process and to provide appropriate interim remedies. The preliminary investigation shall be concluded within a reasonable amount of time required to complete the investigation conducted promptly (typically 10-142-3 days). The preliminary investigation will be conducted in a manner so that it is adequate, reliable and impartial. The preliminary investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.

At the conclusion of the preliminary investigation, both the Complainant and the accused will be provided written information regarding the appropriate grievance procedural process and interim remedies. The accused will not be notified of the individual remedies offered or provided to the Complainant.

J. Grievance Processes and Procedures

The University has grievance processes in place depending on whether the matter involves students, employees or visitors. At the conclusion of the preliminary investigation, both the Complainant and the accused will be provided written information regarding the appropriate grievance process. In all informal or formal procedures involving allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct, regardless of any language found within the applicable procedural rules, the following shall apply:
1. The standard of proof shall be “preponderance of the evidence,” defined as determining whether evidence shows it is more likely than not that a policy violation occurred.

2. The Title IX Coordinator 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 Informal Resolution or Formal Resolution processes to resolve conflicts. Mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. In a conflict resolution meeting, the Appropriate Administrative Officer will facilitate a dialogue with the parties to an effective resolution, if possible. The Appropriate Administrative Officer utilized for Conflict Resolution may not be the same as the Appropriate Administrative Officer used in either the Informal Resolution or Formal Resolution Processes.

2.3. Informal resolution procedures are optional and may be used when the University determines that it is appropriate and both the Complainant and the Accused are agreeable. Either the Complainant or the Accused may end the informal procedure at any time and move to the formal procedure prior to a finding being rendered, and move to the formal procedure. Once a finding is rendered in the informal process, then the right to the formal process is waived and the informal process is complete. The finding of the informal process remains subject to appeal.

3. Mediation, where both Complainant and the accused are together in the same room, is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact.

4. Both the Complainant and the Accused will be given notice of the procedure, a hearing (if applicable), and equal opportunity to present witnesses and evidence.

5. Questioning or evidence about the Complainant’s prior sexual conduct with anyone other than the Accused is prohibited.

6. The Accused may not personally cross-examine the Complainant and the Complainant may not personally cross-examine the Accused. Questions should be asked through the Chair, the Investigator or the Appropriate Administrative Officer and those questions deemed appropriate and relevant will be asked on behalf of the requesting party.

7. The grievance resolution process will normally be resolved within 60 calendar days. Deviations from this timeframe will be promptly communicated to both parties.

8. Both the Complainant and the Accused will be given periodic updates.

9. The Complainant, and the Accused and the Title IX Coordinator will be notified in writing of the outcome of the grievance resolution process.

10. Remedies Available for Substantiated Allegations—If the outcome of the hearing is that the allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct have been substantiated, Remedies available once Investigation is concluded. The Title IX Coordinator or other authorized administrators may immediately provide the Complainant with appropriate remedies including, but not limited to, one or more of the following: (a) Providing escort services to assure that the Complainant can move safely between classes and activities; (b) Removing the perpetrator of nonconsensual sexual intercourse or nonconsensual sexual contact.
that the Complainant and the **perpetrator** person found responsible are not required to share the same classes or extracurricular activities;

(c) Moving the **perpetrator** person found responsible to a different residence hall to assure that the Complainant and the **perpetrator** person found responsible are not required to share the same residence hall;

(d) Providing the Complainant with comprehensive victim services including medical services, counseling and academic support services such as tutoring;

(e) Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and

(f) Any of the interim remedies outlined in Section H600.020H above.

The Title IX Coordinator or other authorized administrator may also provide additional remedies as may be appropriate for the school **University** community.

11. Any available appeals process must be equally available for both the Complainant and the Accused.

12. Sanctions for those found responsible for violating the University’s sex discrimination, sexual harassment or sexual misconduct policies range from warning up to and including expulsion for students, and for employees and faculty, range from a warning up to and including termination of employment. Generally speaking, the University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension, dismissal, or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sex discrimination, sexual harassment or sexual misconduct, including dating/intimate partner violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular complaint.

K. Non-compliance

Failure to comply with this policy can result in disciplinary action. Employees also are cautioned that non-compliance with this policy may increase their risk of personal liability. Further, an individual who fails to report sexual harassment/violence as required under this policy may be determined to be ineligible for defense or protection under CRRSection 490.010 of the Collected Rules and Regulations for any associated claims, causes of action, liabilities or damages.

L. Retaliation Prohibited—

Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by this policy, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action in accordance with applicable procedures. Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student’s academic work warrants because she the student filed a complaint of sexual harassment; giving lower than justified performance appraisals because a person was a witness in an investigation of alleged sexual harassment; and threatening to spread false information about a person for filing a complaint of sexual harassment.
**MM. False Reporting**

False reporting is making intentional false reports or accusations in relation to this policy as opposed to reports or accusations, which, even if erroneous, are made in good faith. False reporting is a serious offense subject to appropriate disciplinary action ranging from probation up to and including expulsion or termination.

**N. Office of Civil Rights** – Inquiries concerning the application of Title IX also may be referred to the United States Department of Education’s Office for Civil Rights. For further information on notice of nondiscrimination, visit [http://wdcrробcolp01.ed.gov/CFAPPS/OCR/contactus.cfm](http://wdcrробcolp01.ed.gov/CFAPPS/OCR/contactus.cfm) and for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481. The State of Missouri regional Office of Civil Rights is located in Kansas City and is available to provide assistance.

Region VII - Kansas City (Iowa, Kansas, Missouri, Nebraska)

Regional Manager

Office for Civil Rights

U.S. Department of Health and Human Services

Education

One Petticoat Lane

1010 Walnut, 3rd Floor, Suite 320

Kansas City, MO 64106

Voice Phone: 816-426-7277

Telephone: 816-426-3686

FAX: 816-426-268-0599

TDD (816) 426-7065; 800-877-8339

**N. Related UM System Policies and Procedures** – Related UM System policies and procedures include:


  See also, Human Resources Manual — HR-510


- **Academic Grievance Procedure**

- **Administrative, Service, and Support Staff**
  [http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch380/380.010_grievance_procedure_administrative_service_support_staff](http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch380/380.010_grievance_procedure_administrative_service_support_staff)

- **Student Discrimination Grievances**

- **Positive Work & Learning Environment**
  Positive Work and Learning Environment

**Email:** OCR.KansasCity@ed.gov