

2023 University of Missouri—St. Louis  
ANNUAL FIRE SAFETY AND SECURITY REPORT



This page left intentionally blank

## Contents

|  |     |
|--|-----|
| Introduction.....  | 4   |
| I     Geography.....   | 5   |
| II    Campus Security Authorities.....                       | 10  |
| III   Local Law Enforcement.....                             | 10  |
| IV    Crime Statistics .....                                 | 11  |
| V     Daily Crime Log.....                                   | 12  |
| VI    Emergency Notifications and Evacuation Procedures..... | 12  |
| VII   Timely Warnings.....                                   | 14  |
| VIII   Annual Security Report.....                           | 15  |
| Programing.....  | 16  |
| Substance Abuse Policy .....                                 | 22  |
| Title IX.....  | 25  |
| Revised Statutes of Missouri.....                            | 86  |
| University of Missouri Definitions .....                     | 89  |
| Sex Offenders .....  | 93  |
| Clery Reportable Offenses Defined.....                       | 93  |
| VAWA Offenses .....  | 95  |
| IX    Missing Student .....                                  | 96  |
| X     Clery Annual Report Data Table .....                   | 97  |
| XI    Fire Safety Statistics.....                            | 99  |
| XII   Fire Safety Log.....                                   | 101 |

## Introduction

Deciding on a University is a major decision for students and their families. In a list of important things to consider, campus safety is top of the list. The Department of Education understands the importance of campus security and has worked to maintain the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.

The law is named for Jeanne Clery, a nineteen-year-old Lehigh University student who was attacked and ultimately slain in her dorm room. The death of Jeanne was devastating for her family as well as for the campus community. Unfortunately, before Jeanne Clery's death there were no standardized laws mandating colleges to report crimes on campus to students, employees, potential students and their parents. Jeanne and her parents did not realize that Lehigh University had a reported 38 violent offenses within a three-year period. The tragedy ultimately motivated nationwide changes in the way campus crime is reported. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act.

The University of Missouri-St. Louis (UMSL) is committed to providing a safe and secure environment for all members of our community. The safety of our students, faculty, staff and visitors is a priority. The awareness and cooperation of the community members who work, study and live on campus is needed to ensure campus safety. UMSL's reported crimes are low compared to other metropolitan areas. Our crimes against person specifically are much lower than those in similar urban settings.

The University of Missouri–St. Louis mission “We transform lives” is accomplished through our vision to be a beacon of hope, a force for good, and a leader in the pursuit of excellence in education, impactful research and community service. We boldly assert that education is for everyone who is willing and able to seek it out. We honor the duties inherent in our land-grant beginnings by positioning ourselves as partners in the search for knowledge, progress and positive change for ourselves, our communities, our world.

In our efforts to provide a safe campus we ask that you recognize the responsibility for safety in our community belongs to everyone. Even the most extensive initiatives cannot guarantee a person will not become the victim of a crime while on campus; however, incorporating basic personal and property crime prevention procedures for you and for those around you will assist in maintaining a safe environment. It is important that all campus members contact the University of Missouri-St. Louis police department to report any criminal offenses at 314-516-5155.

Your support, cooperation, and involvement will assist us in maintaining an environment conducive to higher education. The content of this report follows and supports the outline provided by the Department of Education. The University has tasked responsibility for adherence to the act to the Clery Coordinator, who is part of the Campus Police Department. We hope this publication provides helpful information to include various services and procedures outlined and offered by the University of Missouri-St. Louis and surrounding communities.

# I Geography

UMSL is a public metropolitan University situated in the heart of St. Louis. The campus is located in both the city of Bellerive Acres and the city of Normandy, Mo. Our campus map located at <http://www.umsi.edu/maps.html> provides an up-to-date list of the buildings and properties on or near the campus that are owned or controlled by the University of Missouri-St. Louis; it also depicts property immediately adjacent to the campus.

The Clery Act requires crime statistics to be broken down according to the geographic location where the offense occurred. These locations are defined as UMSL's "Clery Geography." The Clery Act divides UMSL's Clery Geography into four categories: On-Campus Property, On-Campus Student Housing Facilities (a sub-set of On-Campus Property), Public Property, and Non-Campus Property.

**On-Campus Property.** On-Campus Property includes any building or property owned or controlled by UMSL within the same reasonably contiguous geographic area and used by UMSL in direct support of, or in a manner related to, its educational purposes, including residence halls. On-Campus Property also includes any building or property that is within or reasonably contiguous to UMSL's other On-Campus Property that is owned by UMSL but controlled by another person or entity, is frequently used by students, and supports UMSL's institutional purposes.

UMSL's On-Campus Property consists of its North Campus and South Campus. Maps depicting each campus are available at <http://www.umsi.edu/maps.html>.

**On-Campus Student Housing Facilities.** On-Campus Student Housing Facilities include any dormitory or other residential facility for students that are located on UMSL's On-Campus Property. UMSL's On-Campus Student Housing Facilities are part of UMSL's On-Campus Property, but the Clery Act requires UMSL to separately disclose statistics for the total number of crimes that occurred on its On-Campus Property, including On-Campus Student Housing Facilities, and the number of crimes that occurred in On-Campus Student Housing Facilities as a subset of the total.

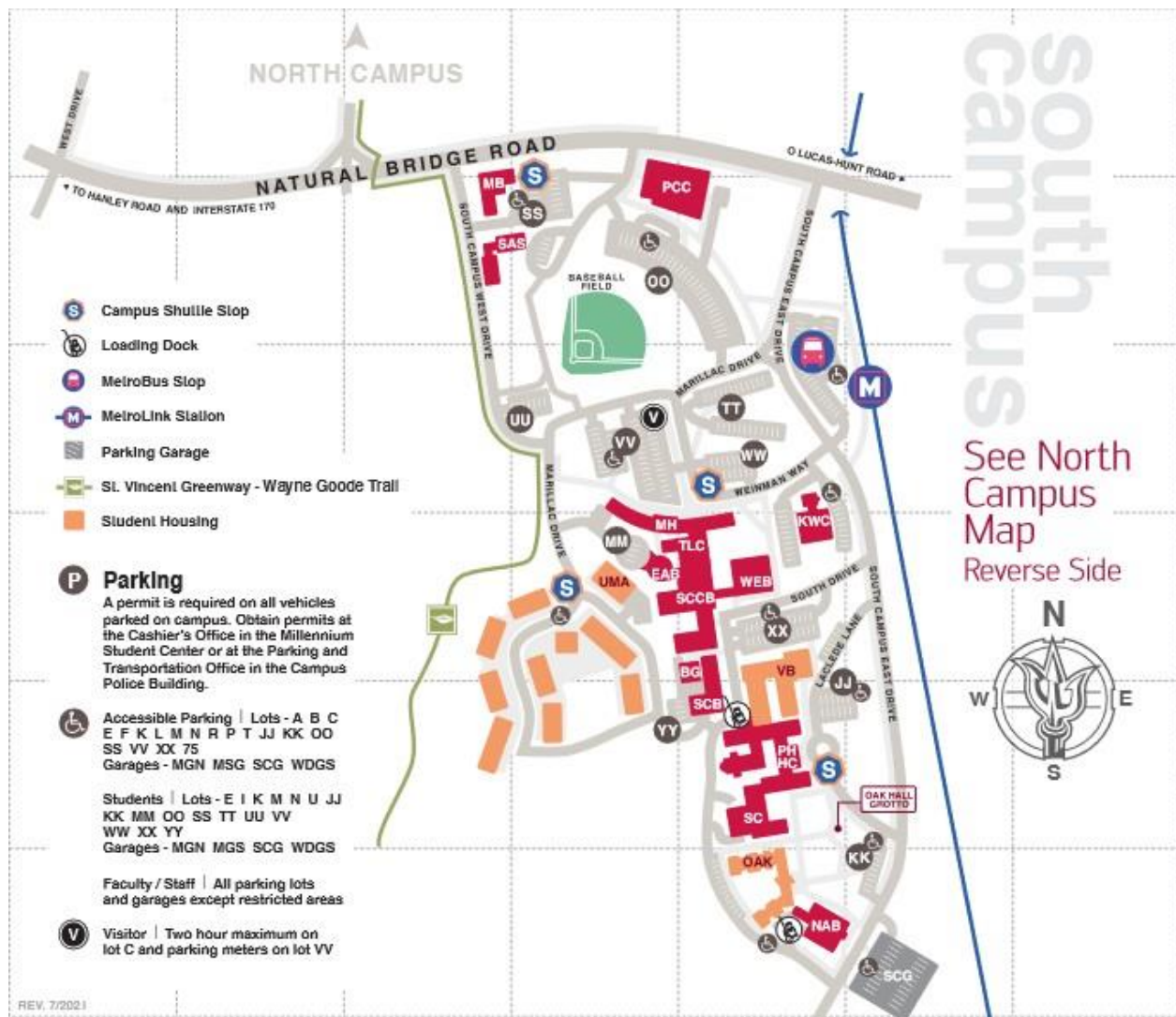
UMSL's On-Campus Student Housing Facilities include property that is owned and controlled by UMSL; property that is owned by UMSL and managed by a third party; and property owned by UMSL and leased to officially-recognized student organizations. UMSL's On-Campus Student Housing Facilities for the years included in this report are:

| University of Missouri-St. Louis On-Campus Student Housing Facilities |  |                |                                    |
|---|--|----------------|------------------------------------|
| Name  | Address  | Type           | Control                            |
| Mansion Hill  | 4343 Normandy Trace Dr. St. Louis, MO 63121      | Apartments     | UMSL Residential Life & Housing    |
| University Meadows  | 2901 University Meadows Dr., St. Louis, MO 63121 | Apartments     | University Meadows Student Village |
| Villa Hall  | 1 University Blvd., St. Louis, MO 63121          | Residence Hall | UMSL Residential Life & Housing    |
| Villa North Hall  | 1 University Blvd., St. Louis, MO 63121          | Residence Hall | UMSL Residential Life & Housing    |
| Oak Hall  | 1 University Blvd., St. Louis, MO 63121          | Residence Hall | UMSL Residential Life & Housing    |

**Public Property.** For Clery purposes, UMSL's Public Property includes all public property, including thoroughfares (such as public bike paths or walking trails), streets, sidewalks, and parking facilities, that is within UMSL's On-Campus Property or immediately adjacent to and accessible from UMSL's On-Campus Property. Generally, UMSL's Public Property includes any public sidewalk that borders UMSL's On-Campus Property, the public street along the sidewalk, and the public sidewalk on the other side of the street. It also includes public trails or parks immediately adjacent to UMSL's On-Campus Property and public transit stops located within or immediately adjacent to UMSL's On-Campus Property. UMSL's Public Property does **not** include roads within its On-Campus Property; these are part of UMSL's On-Campus Property. UMSL's Public Property is also depicted on the campus maps. See map on next page for additional information:







**Non-Campus Property.** The final category of Clery Act property is Non-Campus Property. Non-Campus Property includes any building or property owned or controlled by a student organization that is officially recognized by UMSL. It also includes any building or property owned or controlled by UMSL that is not reasonably geographically contiguous with UMSL's On-Campus Property, used in direct support of or in relation to educational purposes, and is frequently used by students. Non-Campus Property does **not** include all properties owned or controlled by UMSL. Properties that are not used in direct support of or in relation to educational purposes or frequently used by students are excluded from UMSL's Non-Campus Property and from UMSL statistical disclosures.

The following is a list of UMSL's Non-Campus Property for the years included in this Report. For property owned by UMSL, the Clery Act requires UMSL to disclose statistics only for the portion of the property that is used in direct support of or in relation to educational purposes and frequently used by students. Property that was leased to third parties or used for administrative offices but not frequently used by students is not included in UMSL's statistical disclosures. For property controlled (but not owned) by UMSL, the Clery Act requires UMSL to disclose statistics only for crimes that occurred when UMSL had control of the property, i.e., the dates and times specified in its lease or other written agreement. Likewise, if UMSL's written agreement is for part of a building or property, UMSL discloses statistics only for crimes that occurred on the contracted space, as well as any other areas of the property that students or employees must use to access that space.



| University of Missouri-St. Louis Non-Campus Property 2022 |   |                      |
|---|---|----------------------|
| Name  | Address   | Ownership / Control  |
| Lindell Eye Center  | 3940 Lindell Boulevard, St. Louis, MO 63108                             | Owned                |
| Center for Eye Care – East St. Louis Center               | 601 James R Thompson Blvd, Bldg. D, Suite 2030 East St. Louis, IL 62201 | Lease clinic space   |
| UMSL – Grand Center                                       | 3651 Olive Street, St. Louis, MO 63108                                  | Owned                |
| Central West End Children's Advocacy Center               | 4443 W. Pine Blvd., St. Louis, MO 63108                                 | Owned                |
| Newman Center   | 8200 Natural Bridge Road, St. Louis, MO 63121                           | Student organization |
| Sigma Tau Gamma   | 8660 Natural Bridge Road, St. Louis, MO 63121                           | Student organization |

**Separate Campus.** In addition to breaking down statistics for On-Campus Property, Public Property, and Non-Campus Property, the Clery Act requires UMSL to separately report statistics for any location that qualifies as a Separate Campus. For purposes of the Clery Act, a Separate Campus is a location owned or controlled by UMSL that is not reasonably geographically contiguous with its main campus and that offers an organized program of study, or courses in educational programs leading to a degree, certificate, or other recognized credential.

UMSL's Computer Education and Training Center (CETC) qualifies as a separate campus for Clery purposes. The CETC is located at 12837 Flushing Meadows Drive, St. Louis, MO, 63131, and it offers computer training courses and certificates in a wide variety of topics and skills. CETC's On-Campus Property includes the CETC building and parking lot, as well as the green space that separates it from adjoining properties. CETC's Public Property consists of the adjacent portions of Flushing Meadows Drive and Hidden Creek Court. CETC has no On-Campus Student Housing Facilities or Non-Campus Property.

UMSL PD does not provide police service or investigate crimes at CETC. Members of the University community should immediately report any crimes that occur at CETC to the City of Town and Country Police Department by calling 911 or the department's non-emergency number, (314) 737-4600. Clery crimes may be reported to UMSL PD at (314) 516-5155, for inclusion in the Clery report. Because CETC is not within UMSL PD's patrol jurisdiction, UMSL's crime log does not include crimes reported for CETC, and CETC has no on-campus housing and is not included in UMSL's fire log.

## II Campus Security Authorities

**Campus Security Authority.** “Campus Security Authority” is a Clery-specific term. A Campus Security Authority, or “CSA,” is defined as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.”

The function of a CSA is to report to UMSL PD the allegations of Clery Act crimes that he or she receives. CSAs are responsible for reporting allegations that are reported to them in their capacity as a CSA. CSAs are not responsible for determining authoritatively whether a crime took place, or apprehending the alleged perpetrator—that is the responsibility of UMSL PD and Local Law Enforcement Agencies. It’s also not a CSA’s responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. CSA’s are provided with information and materials they need to document reported crimes. CSA’s are also asked to provide us with any newly appointed Campus Security Authorities.

Victims or witnesses may report crimes on a voluntary and confidential basis for inclusion in UMSL’s annual disclosure of crime statistics by contacting the Police Department at 314-516-5155.



## III Local Law Enforcement

**UMSL PD & Local Law Enforcement Agencies (LLEA).** The Clery Act specifically designates campus police (like UMSL PD) or security departments as CSAs. UMSL PD provides police services to UMSL’s On-Campus Property, including On-Campus Student Housing Facilities, its Public Property, and the Non-Campus Properties located adjacent to the North and South Campuses along Natural Bridge Road. UMSL PD is authorized by the state and has concurrent jurisdiction with Local Law Enforcement Agencies to provide police services, enforce traffic regulations, make arrests, and investigate crimes on property owned or controlled by the University. UMSL PD officers are sworn and commissioned law enforcement personnel with the same law enforcement authority given to other peace officers in the state. Members of the University community can contact UMSL PD at its office at 35 Performance Dr, on UMSL’s North Campus next to the North Campus MetroLink stop, or by calling (314) 516-5155. Information about UMSL PD is also available online at <http://safety.umsl.edu/police/>

UMSL PD has a good working relationship with LLEAs and by statute Normandy Police Department and UMSL Police Department share a joint jurisdiction over much of UMSL's Clery Geography. In an effort to provide quality police services UMSL PD has Memorandum Of Understanding (MOU) with Normandy PD. Normandy PD and UMSL PD work together, as needed, in a cooperative effort to resolve criminal activity.

UMSL PD also acts as UMSL's Clery Coordinator. UMSL encourages members of the University community to promptly report crimes and other public safety concerns to UMSL PD and appropriate LLEA's. UMSL PD makes a good-faith effort each year to obtain statistics for Clery Act crimes from all LLEAs with jurisdictions over UMSL's Clery Geography. These LLEAs include the municipal police departments for the municipalities of Bel-Nor, St. Louis City, St. Louis County, Town and Country and Normandy.

## **THE UNIVERSITY OF MISSOURI-ST. LOUIS POLICE DEPARTMENT MISSION STATEMENT**

The Campus Police Department exists to ensure that UMSL is a safe place where all people can live, work and pursue their educational endeavors without fear of harm, harassment or unequal treatment. Guided by our commitment to law enforcement accreditation, we pledge to improve the quality of life of those we serve by fostering partnerships with the campus community so that together we can effectively address issues and concerns.

- A. The mission of a university police department is profound because of its breadth, significance, and complexity. It is diverse service, not a specific product. The Police Department's mission distinguishes that department from others that have the same purpose for existing. For example, while other public or private organizations exist to protect life and property, they do not have the unique authority that police do to carry out the police mission that is explicit and implicit in the statutory definitions of peace officer and law enforcement officer.

Our Police Department is an integral part of UMSL. The department works closely with Parking and Transportation to ensure Parking Regulations are enforced on campus. Working cooperatively with the University community, the Police Department strives to ensure that UMSL is a safe and pleasant environment where people can live, work and pursue their educational goals. It is the duty of every UMSL police officer to maintain peace and keep order. Uniformed Police Officers patrol the campus 24 hours a day, 365 days a year.

The department has a close working relationship with Missouri State Highway Patrol, Saint Louis County Police Department and adjacent communities. We benefit from state sanctioned mutual aid agreements, with regional and local departments who assist each other when a police situation or natural disaster is beyond department capabilities. On December 8, 2000, the Commission on Accreditation of Law Enforcement Agencies (CALEA) accredited the University of Missouri-Saint Louis Police Department. The UMSL Police Department has recently gone through the re-accreditation process and received our award in 2019.

To ensure the integrity of the University of Missouri-St. Louis Police Department and maintain the confidence of the public, all complaints against the Department or employees will be thoroughly investigated. A statistical summary of allegations contains the charge for which each allegation was made and the date it was received. This report is provided by the Commanding Officer Bureau of Special Operations/ Office of Professional Standards annually for the Chief of Police. Please click this link to view the latest annual summary [Statistical Summary of Allegations](#)

## **IV Crime Statistics**

Each year, the Clery Act requires UMSL to publish an Annual Security Report, or "ASR," presenting crime statistics for the previous three calendar years. The crimes statistics in the ASR reflect Clery Act crimes that occurred within UMSL's Clery Geography and were reported to UMSL PD directly, by CSAs to UMSL PD, or through LLEAs. All crimes are counted by the date reported to UMSL PD, a CSA, or LLEA, which may differ from the date when the incident occurred.

The crime statistics in UMSL's ASR also reflect reports of Clery Act crimes. The Clery Act requires UMSL and other educational institutions to report statistics for four general categories of crimes: Criminal Offenses, Violence Against Women Act ("VAWA") Offenses, Hate Crimes, and Arrests and Referrals for Campus Disciplinary Action. The crime statistics included in UMSL's ASR do not include reports of Non-Clery Act crimes, crimes that did not occur on UMSL's Clery Geography, or reported crimes that were "unfounded." "Unfounded" means that a reported crime was investigated by law enforcement authorities and found to be false or baseless. Only sworn or commissioned law enforcement personnel, like UMSL PD, may "unfound" a crime. A crime cannot be "unfounded" by a CSA other than law enforcement personnel.

UMSL's ASR is combined with its fire safety report, which also is required by the Higher Education Act, and identified as the "Campus Crime Act and Fire Safety Report." The ASR is distributed to all currently enrolled students and all employees, and it also is available to prospective students and employees upon request. To obtain a copy of the ASR, you may contact UMSL PD at its office on the North Campus during normal business hours, by calling (314) 516-5155, or by going online at <http://safety.umsi.edu/police/index.html>

## **V Daily Crime Log**

The Clery Act requires any institution that has a campus police or security department to create, maintain and make available a daily crime log. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to the campus police or security department. The daily crime log is different from the annual statistical disclosures required by the Clery Act in that crime log entries include all crimes reported to the campus police or security department, not just Clery Act crimes, and in that the crime log includes reports of crimes that occurred within the institution's Clery Geography as well as other locations within the campus police or security department's patrol jurisdiction. The crime log also contains specific information about criminal incidents, not just crime statistics.

UMSL's daily crime log is maintained by UMSL PD. The daily crime log is combined with its fire log, which is also required by the Clery Act, and is identified as the "Daily Incident/Fire Log." The Daily Incident/Fire log is available for review 24 hours a day online under the Annual Fire Safety and Security Report tab at <http://safety.umsi.edu/police/annual-campus-safety-and-security-report/daily-log.html>, or a printed copy is available during normal business hours at UMSL PD's office on the North Campus. Crimes are entered into the Daily Incident/Fire Log based on the date they were reported, not the date when they occurred. The log also provides the nature of the crime; the date and time when it occurred; the general location of the crime; and the disposition of the complaint, if known.

## **VI Emergency Notifications and Evacuation Procedures**

The Clery Act also requires UMSL to have and disclose emergency response and evacuation procedures that would be used in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on its On-Campus Property, including On-Campus Student Housing Facilities.

The University of Missouri provides an emergency notification system on each of its four campuses. The emergency notification system will warn the campus community of any pending danger through this warning system. UMSL may also use the campus e-mail system or posting of placards as alternate means to communicate if warranted (for example a boil advisory advising a "Do not drink the water" alert). When UMSL-PD initiates an emergency message the system will automatically send every registered UMSL member's phone



a text message and/or email message to your University e-mail account. Enrollment in this program is free. Please update your contact information by going to [MyView](#) for students and [MyHr](#) for employees.

- A. UMSL-PD will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
  - 1. Confirmation of a significant emergency or dangerous situation may be made by a member of the police department. Emergency Notifications to the campus are authorized and required when a member of the police department can confirm the occurrence of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees on campus.
    - a. The decision to send an emergency notification rest first with on-duty Watch Commander/Supervisor who may confer and consult with other Command members. At the time of a developing emergency the Watch Commander/Supervisor may direct the dispatcher to make the notification. However, should unforeseen situations occur; dispatchers, Watch Commanders, Supervisors or other Command members may initiate Emergency Notifications without the delay of any pending prior authority.
    - b. The UMSL-PD will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system. However if in the professional judgment of responsible authorities notification will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency the notification may be delayed. Should the larger community require emergency notification that task shall be performed by Associate Vice Chancellor University Marketing and Communication.

B.UMSL conducts an annual emergency response and evacuation test. This test may be announced or unannounced. During our test the Emergency Notification System (ENS) publicizes our emergency response and evaluation procedures.

Our annual test was unannounced and scheduled on November 14, 2022 for the Executive Policy Group itself and for a select few campus stakeholders who were new to the university. The scenario for the exercise was a tornado touching down on North Campus and the area surrounding the campus.

November 14, 2022; the University of Missouri-St. Louis conducted an Emergency Exercise to evaluate the campus wide response to an emergency occurring on the University of Missouri-St. Louis campus. The scenario for the exercise was a tornado touching down on North Campus and the area surrounding the campus. The goals are as follows:

- 1. To introduce the Alternatives to the Emergency Operations, Plan and the Incident Command System as well as to the evaluate the capabilities of the Emergency Operations Center (EOC)
- 2. To test the Emergency Notification System and ensure compliance with Clery requirements
- 3. Facilities determination if buildings are safe to enter to start the cleaning process
- 4. The need to find alternative locations or models of learning for affected classes, with emphasis on classes that are not typically conducive to online only models.
- 5. Timely, prompt and clear updates utilizing the designated "Campus Alert" page as information becomes available
- 6. Ongoing operations if the Red Cross activates their existing contract with the university.

The Emergency Exercise held for the designated representatives was successful. The group was able to identify areas needing improvements and saw the need for continued training and future exercises. The group was able to see the need for improved communication, not only within departments, but also in general with updating the public. The

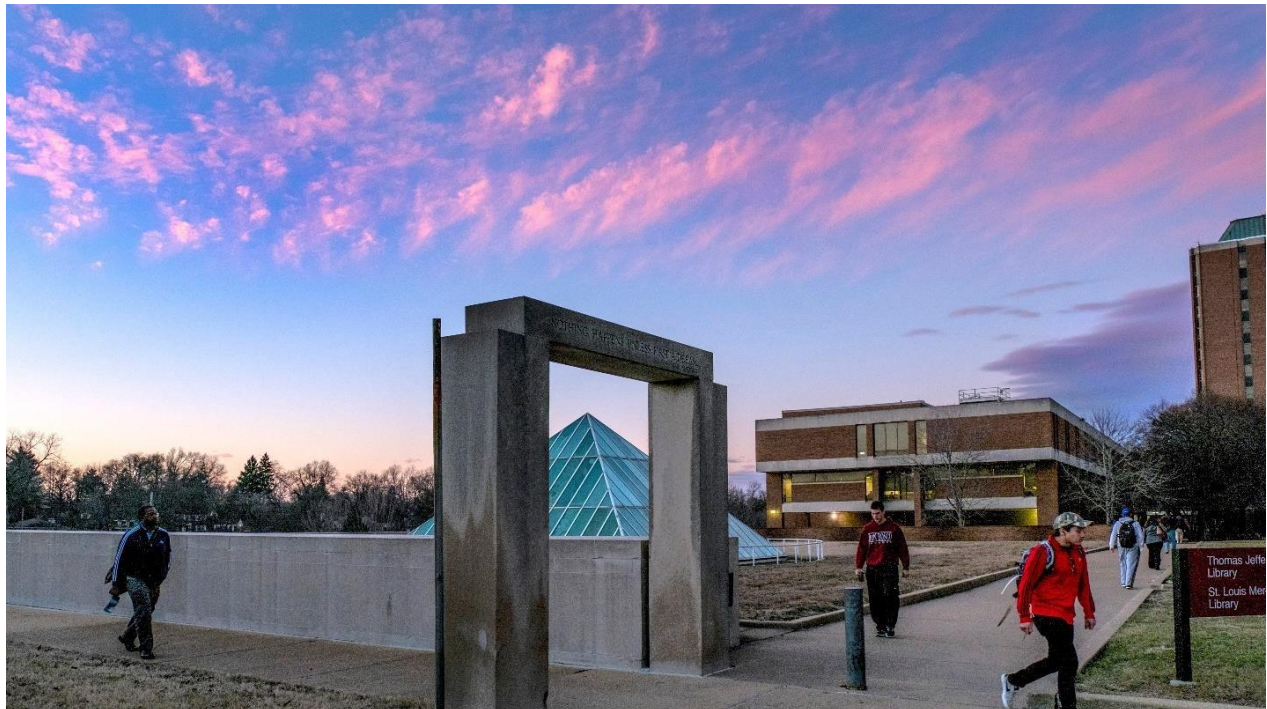
representatives were able to get a better understanding of the importance of the role of the different campus disciplines working and communicating together. The annual emergency notification was conducted through use of the RAVE system and was successful.

UMSL-PD participates in St. Louis County Police Chiefs Association code 1000 response to police emergencies. The county is divided into two regions and each region works cooperatively to insure effective response. For details about Emergency Management; please see St. Louis County (copy and paste link):

<https://stlouiscountymo.gov/st-louis-county-government/emergency-management/>

As a helpful reminder to students we published “What to do in an emergency” poster

<https://www.umsl.edu/safety/police/emergency/integrated-contingency-planning.html>



## VII Timely Warnings

The safety of the UMSL community is a vital concern and we take measures to notify our campus community of potentially dangerous criminal situations on or near our campus. The Campus Police Department has written policy governing the utilization of timely warnings to alert the campus community of certain crimes in order that such notification can aid in the prevention of similar crimes. Timely Warnings are triggered by crimes that have already occurred but represent an ongoing threat. The intent of a warning is to enable people to protect themselves.

Timely Warnings are issued through the Mass Notification system or campus wide email, as soon as pertinent information is available. Even if all of the facts surrounding a criminal incident or incidents are not known we will issue a warning. It is the responsibility of the Police Department's on-duty supervisor who may confer and consult with other Command members to decide if a warning needs to be issued. Watch Commanders, Supervisors and Command members may send a Timely Warning without the delay of any pending prior authority. Law enforcement efforts will be taken into consideration when issuing warnings that could contain information that may compromise the investigation. In cases where there is a serious continuing threat to students or employees the UMSL-PD will issue a Timely Warning taking heed of law enforcement efforts. The UMSL Police Department maintains open communication with local police



departments about crimes reported to them that may warrant timely warnings. Timely Warnings may be accessed by going to the UMSL Police Department web site.

## **VIII Annual Security Report**

By October 1<sup>st</sup> of each year the Annual Security Report (ASR) is sent for public distribution via campus wide email and posted to the UMSL Police Department web site, as well as on the Department of Education's web site. UMSL's annual security report contains crime statistics and various policy statements. Our statements accurately reflect how our policies are currently implemented. Unless otherwise indicated UMSL's policies described in this report apply to students and employees of CETC.

- A. Criminal actions or other emergencies occurring on campus should be reported to UMSL PD. All members of the UMSL community, including all students, faculty, staff and guest, are encouraged to report all crimes and other public safety concerns to UMSL PD, including when the victim of a crime elects to make a report or is unable to make such a report. UMSL encourages accurate and prompt reporting of crimes to UMSL PD for the safety of the campus community and to allow for the distribution of timely warning reports. Members of the campus community should also report Clery Act crime to UMSL PD for inclusion in UMSL's annual statistics disclosures. UMSL PD's Police Communications Center is staffed 24 hours a day and may be reached directly at 314-516-5155. To ensure prompt action we ask students to program this number into their phone. Victims or witnesses may report crimes on a voluntary and confidential basis for inclusion in UMSL's annual disclosure of crime statistics by contacting UMSL PD at 314-516-5155
- B. The security of and access to campus facilities is addressed in the UMSL policy which states, except during normal working hours, all buildings shall be locked in order to maintain the security of both the buildings and their contents. UMSL-PD and residential life personnel work closely together to create a safe and comfortable living and learning environment. The security of residential areas includes continuous patrol of the buildings and grounds by residential life personnel and UMSL-PD. Building access is restricted to residents and invited guest.

For added security considerations the UMSL police department inspects the operation of code blue phones as part of maintenance of campus facilities. The University has numbered each door on campus to facilitate the maintenance of door locks.

For more information regarding the security and access to campus residences please, go to:  
<https://www.umsl.edu/services/reslife/CurrentResidents/Oak-Hall--Community-Guide-2023-20243.pdf>

Parking permits are issued to students and enforcement actions are taken to identify non campus members that may pose a risk to safety and security.

- C. UMSL-PD's Campus Police Crime Prevention officers work with Faculty, Staff and Students to provide safety programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and security of others. Campus security procedures and practices are discussed at New Student Orientation, Transfer Tuesdays, Faculty Orientation, and various other programs on campus. The programs are designed to inform students and employees about the prevention of crimes. The UMSL police department encourages staff, faculty and students to avail themselves of the services provided by our Crime Prevention Officers. Please contact the Special Operations Office at 314-516-5148 to schedule a seminar or obtain crime prevention materials.

## U Got This! and U Got This!2

U Got This! by Catharsis, is an online, sexual assault awareness and prevention program that provides critical information about:

- consent
- bystander intervention
- sexual assault
- dating/domestic violence
- stalking
- and much more

<https://www.umsl.edu/title-ix/u-got-this.html>

### Programing

| Month 2022 | Program   | Description   | Presented/Sponsored By   | Number of Programs |
|------------|---|---|--|--------------------|
| January    | Orientation Safety presentation                 | Safety Presentation informing students and parents about general campus safety police department's roles and services | Crime Prevention and Community Involvement                         | 2                  |
|            | Self Defense Class                              | Self-Defense training with students   | Crime Prevention and Community Involvement                         | 1                  |
|            | Mental health treatment and assistance programs | Faculty Orientation   | Health, Counseling & Disability Access Services                    | 1                  |
|            | Part-time Faculty Orientation                   | Promoting Safety, Preventing Violence, Practicing Integrity   | Title IX & Equity office   | 1                  |
| February   |   |   |  |                    |
|            | Pack the Stands                                 | Color changing cups with alcohol awareness information tabling  | Partners In Prevention   | 1                  |
|            | Sexual Assault Awareness/prevention             | Resource event  | Health, Counseling & Disability Access Services                    | 1                  |
|            | Safety Workshop with students                   | Safety Speech & workshop with students  | Crime Prevention and Community Involvement                         | 1                  |
| March      | Bystander Training                              | Campus Education Presentation Athletics   | UMSL Tritons United/<br>Crime Prevention and Community Involvement | 2                  |
|            |   |   |  |                    |
|            | Bystander Training                              | Campus Education Presentation Athletics   | UMSL Tritons United/<br>Crime Prevention and Community Involvement | 10                 |
|            | Student Workshop                                | Provided safety presentation  | Crime Prevention and Community Involvement                         | 1                  |
| April      | Title IX Presentation                           | Sexual Assault Awareness  | Title IX & Equity Office   | 1                  |
|            | Campus Awareness Campaign                       | GBV Resources tabling   | UMSL Tritons Untied  | 1                  |
|            | Campus Awareness Campaign                       | National Denim Day  | UMSL Tritons Untied  | 1                  |
|            | Optometry Student Mixer                         | Meet and Greet intro to UMSL Police   | Crime Prevention and Community Involvement                         | 1                  |
|            | Student workshop                                | Presentation providing safety tips  | Crime Prevention and Community Involvement                         | 1                  |
|            | Active Threat/Shooter Presentation              | Safety Presentation   | Crime Prevention and Community Involvement                         | 2                  |

|           |   |  |  |   |
|-----------|---|--|--|---|
|           | Tabling event                                   | Provided safety information  | Crime Prevention and Community Involvement                     | 1 |
| May       | Part-time Faculty                               | Orientation  | Title IX & Equity Office                                       | 1 |
|           | Mental health treatment and assistance programs | Faculty Orientation  | Health, Counseling & Disability Access Services                |   |
|           | Transfer Student Orientation                    | Safety presentation UMSL PD introduction                                   | Crime Prevention and Community Involvement                     | 1 |
|           | Active Threat/ Shooter Presentation             | Safety presentation  | Crime Prevention and Community Involvement                     | 1 |
| June      | RWC camp counselors                             | Presentation   | Title IX & Equity Office                                       |   |
|           | Mental health treatment and assistance programs | Student Orientation  | Health, Counseling, & Disability Access Services               | 1 |
|           | New Student Orientation                         | Safety presentation  | Crime Prevention and Community Involvement                     | 1 |
|           | Transfer Student Orientation                    | Safety presentation  | Crime Prevention and Community Involvement                     | 1 |
| July      | New Student Orientation                         | Safety Presentation  | Crime Prevention and Community Involvement                     | 2 |
|           | Safety speech Academic Advising                 | Safety Presentation  | Crime Prevention and Community Involvement                     | 1 |
|           | Mental health treatment and assistance programs | Student Orientation  | Health, Counseling, & Disability Access Services               |   |
| August    | New/ Transfer student Orientation               | Safety presentation  | Crime Prevention and Community Involvement                     | 3 |
|           | Campus Awareness Campaign                       | GBV Resources Tabling  | UMSL Triton United   | 1 |
|           | Campus Awareness                                | Bystander Intervention   | UMSL Triton Untied/ Crime Prevention and Community Involvement | 1 |
|           | Mental health treatment and assistance programs | Student Orientation  | Health, Counseling, & Disability Access Services               | 1 |
|           | Title IX presentation                           | Title IX/Equity training with Resident Advisors                            | Title IX & Equity Office                                       | 1 |
| September |   |  |  |   |
|           | Workshop with students                          | Safety Presentation  | Crime Prevention and Community Involvement                     | 2 |
|           | Campus Education Presentation                   | Unpacking Rape Culture   | UMSL Tritons Untied  | 1 |
|           | Campus Education Presentation                   | IPV on College Campus Athletics  | UMSL Tritons Untied  | 8 |
|           | Campus Education Presentation                   | EndTab: End technical Abuse  | Student Affairs/ Partners in Prevention                        | 1 |
| October   | Campus Awareness Campaign                       | Helping "Turn St. Louis Purple" event National Domestic Violence Awareness | UMSL Tritons United  |   |
|           | Student Workshop                                | Safety Tips  | Crime Prevention and Community Involvement                     | 1 |
|           | Campus Education Presentation                   | Getting Consent  | UMSL Tritons Untied  | 1 |
|           | Campus Awareness Campaign                       | GBV resources tabling  | UMSL Tritons Untied  | 1 |
|           | Campus Education Presentation                   | IPV on College Campus Athletics  | UMSL Tritons Untied  | 6 |

|  |                               |  |  |   |
|--|-------------------------------|--|--|---|
| November   |                               |  |  |   |
|  | Campus Education Presentation | Survivor Support& Safety Planning  | UMSL Tritons United                        | 1 |
|  | Campus Education Presentation | IPV on College Campus  | UMSL Tritons United                        | 1 |
|  | Campus Education Presentation | EndTab: Tech Savvy Prevention Part 2<br>Unhealthy relationships in the digital age | Student Affairs/ Partners in Prevention    | 1 |
|  | Eliminate Tobacco Initiative  | Tabling  | Partners In Prevention                     | 1 |
|  | Workshop with students        | Safety Presentation  | Crime Prevention and Community Involvement | 1 |
|  | Title IX Presentation         | Mandated reporter training staff association                                       | Title IX & Equity Office                   | 1 |
|  | Tabling event                 | Safety information to students   | Crime Prevention and Community Involvement | 1 |
|  | Whole U Pop-Up                | Health and wellness resource fair  | Partners in Prevention                     | 1 |
| December   |                               |  |  |   |
|  | Student Workshop              | Safety Presentation  | Crime Prevention and Community Involvement |   |
|  | New Student Orientation       | Safety Presentation  | Crime Prevention and Community Involvement |   |
| Health, Counseling, & Disability Access Services posted several social media campaigns highlighting care and assistance for LGBTQ+ concerns and sexual violence prevention throughout the 2022 calendar year |                               |  |  |   |

## Safety Procedures

In an effort to inform our campus community of safety procedures we have listed several practices that will assist with crime prevention.

### Be protective of your possessions and University property

- Always lock your office or residence, even when you step out for a few minutes.
- If you have valuables in your office, don't leave them in your office overnight.
- Don't leave purses or other valuables unattended, not even for one minute, take them with you or keep them locked in a secure cabinet out of sight.
- Keep your desks and file cabinets locked when you're away.
- Don't store money in desk drawers or file cabinets.
- Keep copies of credit cards and other documents in a secure place
- Report all losses to the University Police immediately.
- 

### Stay alert to your safety when walking

- Be aware of your surroundings and develop an avoidance plan if you are being followed.
- At night, walk in-groups of at least two and stay on the main walkways.
- Familiarize yourself with the location of emergency phones.
- Do not hesitate to call the campus police at any time.
- Call **314-516-5155** for an escort if you do not feel safe.

### Keep safe while driving or returning to your vehicle

- When parking, remove valuables from view and lock your vehicle.
- Check inside your vehicle before entering to make sure no one is hiding inside.
- To avoid having to look for your car keys have them in your hand when approaching your vehicle.

- Be alert to any activity near your car. Pay attention to your surroundings.
- Be suspicious of people asking for directions, money, or giving out flyers.
- When stopping in traffic, leave enough distance between your car and the car in front of you, so you can pull away quickly if necessary.
- Be alert when using drive-up automated teller (ATM) machines.

### **Protect your identity**

Much of today's society is based on the exchange of information. With specific information, a thief can access your credit, your bank accounts and even establish and use new accounts in your name, as if they were their own.

Identity theft is the act of "stealing" or using another person's personal and/or financial information, including your social security number, date of birth, bank account numbers, credit card account numbers, personal identification numbers (PIN) for automatic teller machines, etc.

### **Crime Prevention**

UMSL supports a proactive Crime Prevention approach to make our campus and living areas a safer place to learn, live and work. Some of the University's efforts are:

- **BLUE** emergency telephones on the parking lots and sidewalk areas.
- 24-hour preventative patrol
- Burglar alarms in select areas
- Crime prevention seminars provided by our Community Service Officer
- Crime prevention material
- Police escort
- Jump-starts
- Card access entry systems on residential doors and selected other areas throughout the campus. New construction provides opportunities for the installation of card access
- Community Service Officers bring Community Orientated Policing to the residential areas by providing lasting solutions to problems that affect our students.

The University of Missouri-St. Louis Parking and Transportation Department provides a shuttle service for all students, faculty, staff, and visitors. Shuttles are wheelchair accessible and equipped with video cameras that continually record activity both inside and in front of the shuttles. The shuttles interior lights are left on after dark in order to enhance video recording of your shuttle ride and increase your security. The shuttles are also equipped with GPS tracking devices which may be accessed through the Parking and Transportation website or the UMSL Mobile app.

Students are offered grocery and department store shopping shuttles through the school year on most Fridays. To view times/locations of shuttle stops, and shopping shuttle schedule please, go to:

<http://www.umsll.edu/~transportation/>

**REMEMBER: If a situation appears suspicious, or you think it's unusual, call the UMSL-PD. Don't hesitate to call; we'd rather respond before a problem unfolds. 314-516-5155**

**EMERGENCIES** requiring police, fire or medical aid can be reported in person or by dialing 911 from any telephone located on University property or using one of the BLUE emergency telephones located throughout campus. Again our Police Communications Center is staffed 24 hours a day and may be reached directly at **314- 516-5155**. To ensure prompt action we ask students to program this number into their phone.



The Rave Guardian Safety App is free to download and offers speed dial functionality to reach campus police (or 911 when off campus), a safety timer that allows friends and family to act as a virtual safety escort and a call directory of university support services. <http://www.umsl.edu/safety/police/safety/rave.html>

The safety timer allows you to invite friends and family – even if they don't have the Rave Guardian App – to join your network of “guardians”. When needed, users can request one or more of their guardians to monitor their walk on or off campus ensuring they get to their destination safely. During the timed trip, Rave Guardian will share your approximate location and route with the selected guardian and they can follow along using GPS. Once you reach your destination your guardian will know you arrived safely.

The prompt reporting of suspicious persons or activity can often avert crimes. If someone's actions are out of character and you become suspicious even if you can't fully describe your suspicion, call the UMSL-PD. **Please do not hesitate to call!** In an effort to avoid personal injury and increase safety we invite the reporting of physical hazards (lights out, obstructed walkways, malfunctioning doors, etc.) to the UMSL-PD so they may be quickly addressed.



## **EMERGENCY & ASSISTANCE TELEPHONE NUMBERS**

|   |                     |
|---|---------------------|
| UMSL-PD                                       | <b>314-516-5155</b> |
| Police Escort                                 | 314-516-5155        |
| Office of Diversity, Equity and Inclusion     | 314-516-5695        |
| UMSL Health, Counseling & Disability Access   | 314-516-5711        |
| YWCA St. Louis Regional Sexual Assault Center | 314-531-7273        |
|   |                     |
| National Suicide Prevention Lifeline          | 1-800-273-8255      |
| Drug Abuse/Alcohol Abuse                      | 1-800-662-4357      |
|   |                     |
| National Domestic Violence Hotline            | 1-800-799-7233      |
| Saint Louis County Prosecuting Attorney       | 314-615-2600        |
| Saint Louis City Circuit Attorney             | 314-622-4941        |
| Crime Victim Advocacy Center                  | 314-652-3623        |
| American Red Cross                            | 314-516-2800        |
| SSM DePaul Health Center                      | 314-344-6000        |
| Saint Louis County Police Department          | 636-529-8210        |
| Mercy Saint Louis Hospital                    | 314-251-6000        |
| Barnes-Jewish Hospital                        | 314-747-3000        |

**AN IMPORTANT NOTE: IF YOU CALL 911 FROM YOUR CELL PHONE, YOUR CALL WILL BE DIRECTED TO SAINT LOUIS COUNTY POLICE COMMUNICATIONS. FOR THE FASTEST SERVICE, IT IS RECCOMENDED THAT YOU PROGRAM YOUR CELL PHONE TO CALL THE UMSL POLICE AT (314) 516-5155.**

The University of Missouri–Saint Louis is committed to a campus-wide approach to help ensure the safety, security and well-being of our students, faculty, staff and visitors. The university demonstrates this commitment through the implementation of various safety and security initiatives.

Although the vast majority of our students, faculty, staff and visitors do not experience crime at UMSL, crime sometimes occurs despite our best efforts. The best protection against campus crime is an aware, informed, and alert campus community that reports crime and suspicious behavior in a timely manner while using reason and caution during their daily activities.

To report suspicious behavior or any other safety issue, please call Campus Police at 314-516-5155.

## Substance Abuse Policy

The UM system policy for manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance states the following:

**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.

Student Standard of Conduct

(200.010) [http://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.010\\_standard\\_of\\_conduct](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.010_standard_of_conduct)

The University of Missouri-St. Louis observes and supports all applicable laws regulating the sale and possession of alcoholic beverages. The sale, manufacture, distribution or possession of any controlled substance is illegal under both state and federal laws. The University of Missouri-St. Louis Police Department strictly enforces such laws. Violators are subject to disciplinary action and criminal prosecution.

## Substance Abuse Education

UMSL Partners in Prevention (PIP) is a collaborative coalition using data-driven, evidence-guided practices to foster informed decision making and healthy and safe choices for the campus community. PIP works with groups and departments that have high contact with students such as Residential Life, Student Life, the Greek community and the Police Department to implement educational programs.

On January 1, 2012, UMSL became tobacco-free on all campus property, both indoors and outdoors. For information about tobacco cessation on campus, contact the Wellness Resource Center at 314-516-5671.

Counseling Services, 516-5711, 131 Millennium Student Center, provides counseling and referral assistance to faculty, staff and students who are troubled by a substance-abuse problem. Individual counseling sessions are provided to students year-round. Those suffering from substance-dependency problems are encouraged to seek assistance from Counseling Services.

The below links are specific Missouri Revised Statutes for further reference.

[Missouri's Alcohol Law](#)

[Driving Under the Influence \(DUI\)](#)

[Chemical Tests for Alcohol Content](#)

[Drug Regulations Chapter 195 RSMO](#)

In an effort to reduce the risk of crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, faculty and staff the University of Missouri-St. Louis utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the University of Missouri-St. Louis to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention),

and discuss institutional policies on sexual harassment as well as the Missouri State Statute definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches.

Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, emails, guest speakers and events such as Campus Safety Walk, Social Norms campaign, Bystander campaign, Speak up/Speak Out, Campus Do's and Don'ts, Faculty/Staff orientations, and Denim Day just to name a few.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions. Bystander engagement training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose, and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

In the event that sexual harassment, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence does occur, the University of Missouri- St. Louis takes the matter very seriously. When a student or employee reports to the Title IX Coordinator that they have been a victim of dating violence, domestic violence, sexual assault or stalking whether the offense occurred on or off campus, the Coordinator will provide the student or employee with written explanation of their rights and options.

The University employs interim protection measures such as interim suspension and/or no contact orders in any case where a person's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual harassment, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the institution's appropriate discrimination and harassment policies and Equity Resolution Process found in the Collected Rules and Regulations. Anyone wishing to officially report such an incident may do so by contacting Title IX Coordinator 314- 516-4538, Student Affairs 314-516-5211 or the Police Department 314-516-5155. Anyone with knowledge about sexual harassment or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

If you are the victim of sexual harassment, gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact the UMSL Campus Police Department at 314-516-5155 if you are on campus or call 911 if you are off campus. If the offense occurred off campus, the victim may still call UMSL-PD and receive assistance in notifying the appropriate agency to respond to their location.
2. Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to Health and Counseling Services, 131 Millennium Student Center 314-516-5711, Center for Trauma Recovery, Kathy J Weinman Bldg., lower level, 314-516-6798, Community Psychological Service, 232 Stadler Hall, 314-516-5824, or the Employee Assistance Program, <https://www.umsystem.edu/totalrewards/benefits/eap>. for support and guidance. These are considered confidential resources. After business hours UMSL Counseling Services' phones 314-516-5711 are answered by clinical professionals providing confidential support, crisis intervention and stabilization, and hospital referral and pre-admittance when necessary. UMSL has a MOU with Safe Connections who provides crisis

intervention support, information and resources to survivors of domestic violence, dating violence, sexual assault and/or stalking through its 24 hour Crisis Helpline 314-531-2003.

4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 96 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.
  - To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
  - Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean *paper bag* or clean sheet, to avoid contamination.
  - If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - Record the names of any witnesses, and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation.
  - Try to memorize details (physical description, names, license plate number, car description), or even better, write notes to remind you of details, if you have time and the ability to do so.
  - If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify UMSL Campus Police Department so that those orders can be enforced by the police department.
5. Even after the immediate crisis has passed, consider seeking support from UMSL Counseling Services, 314- 516-5711 and/or Safe Connections 2165 Hampton Avenue, St. Louis MO 63139, 314-531-2003, S.A.R.T. (Sexual Abuse Response Team) in the YWCA Building, 3820 West Pine, MO 63108, 314-531-7273, or our Victim Advocate in Counseling Services 314-516-5711. UMSL has MOUs with Safe Connections and YWCA for crisis intervention support, information and resources to survivors of domestic violence, dating violence, sexual assault and/or stalking through its 24 hour Crisis Helpline.
6. Students, faculty and staff should contact the Title IX Coordinator & Chief Equity Officer, Jessica Swederske, 314- 516-5748, if you need assistance with UMSL concerns, such as no-contact orders or other protective measures, including assistance in obtaining protective or restraining orders from local authorities. The Office of Student Conduct and Academic Integrity will also assist with UMSL concerns, such as no-contact orders. The University is able to offer reasonable academic supports, changes to living or work arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim. The University is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

While the University of Missouri System utilizes different standards and definitions than the Missouri State Statutes, sexual misconduct often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX <https://www.umsl.edu/title-ix/definitions.html> and the Clery Act, which mandates the contents of this report.

It is the policy of the University to notify the campus police department when sexual assault occurs, typically without providing identifying information about the incident, unless a victim wishes that information to be shared, or an emergency requires disclosure. Victims have the option to notify the campus police directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but may also respect a victim's request not to do so.

## Title IX

Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, the University of Missouri St. Louis Title IX Coordinator is the designated agent of the University with primary responsibility for coordinating University Title IX compliance efforts. In broad terms, the Title IX Coordinator oversees monitoring of University policy in relation to investigation and disposition of complaints; provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the University's Title IX compliance. <https://www.umsl.edu/title-ix/index.html>

The below equity policies and procedures apply to matters involving conduct alleged to have occurred **prior to August 14, 2020**.

- Equal Employment/Educational Opportunity and Nondiscrimination Policy ([CRR 600.010](#))
- Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy ([CRR 600.020](#))
- Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against:
  - Student Respondent ([CRR 600.030](#))
  - Faculty Respondent ([CRR 600.040](#))
  - Staff Respondent ([CRR 600.050](#))
  - University, College, Division or Unit Respondent ([CRR 600.060](#))

The below equity policies and procedures apply to matters involving conduct alleged to have occurred **on or after August 14, 2020**.

### **EXPLANATION OF DISCIPLINARY PROCEEDINGS FOR REPORTED INCIDENTS OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING:**

[600.030 Resolution Process for Resolving Complaints of Sexual Harassment under Title IX - for matters involving conduct alleged to have occurred on or after August 14, 2020](#) Executive Order 41, 9-22-14; Amended 2-09-17 with effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20; Amended 2-4-21

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

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

C. **Definitions:**

1. **Academic Medical Center.** University of Missouri Hospitals and Clinics, and other Academic Medical Centers as may be designated by the University in the future.
2. **Academic Medical Center Resolution Process.** Resolution of a Formal Complaint by a decision-maker making a finding on each of the alleged policy violations and a finding on sanctions.
3. **Administrative Resolution.** A voluntary informal resolution process where a decision-maker makes a finding on each of the alleged policy violations in a Formal Complaint and a finding on sanctions without a hearing.
4. **Advisors.** The individuals selected by the Complainant and the Respondent, or if a Party does not have their own Advisor, selected by the University, to conduct all cross-examination and other questioning on behalf of a Party at a hearing; an Advisor may, but is not required to, be an attorney.
5. **Alternate Methods of Notice:** Methods of providing Notice to a Party other than in person or by email to the Party's University email account; these include email to another email account specified by the Party, or a Party's designation of an address to which Notice may be mailed via U.S. Mail; a Party seeking to designate an Alternate Method of Notice must provide such designation in writing to the Title IX Coordinator.
6. **Complainant.** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
7. **Emergency Removal Appeal Individual/Committee:** An individual or committee of three (3) individuals appointed by the Chancellor (or Designee) to hear appeals of an Emergency Removal decision by the Title IX Coordinator. Equity Resolution Appellate Officer. For Staff, Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all appeals stemming from the Title IX Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
8. **Equity Resolution Appellate Officer.** For Staff, Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all appeals stemming from the Title IX Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
9. **Equity Resolution Hearing Panel ("Hearing Panel").** A group of two (2) trained Equity Resolution Hearing Panelist Pool members who, together with the Hearing Officer, serve as the Hearing Panel for a specific Formal Complaint. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. The Hearing Officer shall serve as the Chair of the Hearing Panel.
10. **Equity Resolution Hearing Panelists Pool ("Hearing Panelist Pool").** A group of at least five (5) faculty and five (5) administrators and/or staff selected by the Chancellor (or Designee) to serve as hearing panel members in the Hearing Panel Resolution process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.
11. **Formal Complaint.** Formal Complaint means a written document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. The phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
12. **Hearing Officer.** A trained individual appointed by the Chancellor (or Designee) to preside over a hearing and act as a member of the Hearing Panel, and to rule on objections and the relevancy of



questions and evidence during the hearing.

13. **Hearing Panel Decision.** Resolution of a Formal Complaint by an Equity Resolution Hearing Panel recommending or making a finding on each of the alleged policy violations and sanctions, if applicable.
14. **Hearing Panelist Pool Chair (“Pool Chair”).** The Hearing Panelist Pool Chair is selected by the Chancellor (or Designee). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.
15. **Informal Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, administrative resolution, or restorative justice.
16. **Investigators.** Investigators are trained individuals appointed by the Title IX Coordinator (or designee) to conduct investigations of the alleged violations of the University’s Title IX Policies.
17. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
18. **Record of the Case.** The Record of the Case in the Section 600.030 Process includes, when applicable: All Notices to the Parties; investigative report; recordings of Party and witness interviews; exhibits used at a hearing or at the Academic Medical Center (AMC) Meeting; recordings of meetings between the AMC decision-maker and Parties and witnesses, if any; the hearing record (an audio or audiovisual record of the hearing); any determination of dismissal of all or part of a Formal Complaint; the determination on each of the alleged policy violations and sanctions by either the Hearing Panel or decision-maker; and the decision on the appeal, if any, including the request for appeal, any additional evidence submitted for the appeal, and written arguments of the Parties.
19. **Report.** Any verbal or written communication or notice of an alleged violation of the University’s Title IX Policies.
20. **Respondent.** Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
21. **Rules of Decorum.** Hearing process rules to which Parties and their Advisors must adhere during any Hearing under this policy.
22. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System. For the purpose of these rules, student status continues whether or not the University’s academic programs are in session.
23. **Student Organization.** A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization as the Party.
24. **Support Person.** An individual selected by a Party to accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process. A Support Person may not attend a hearing under the Title IX process unless also serving as a Party’s Advisor.
25. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to respond to reports of sexual harassment; and to receive and assist with the Title IX process for Formal Complaints alleging violation of the University’s Sexual Harassment in Employment/Education Policy. All references to “Title IX Coordinator” throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator’s designee.
26. **University’s Title IX Policies.** The University’s Title IX Policies include this Policy and the Sexual Harassment in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations (CRR).

**D. Making a Report.** Any person (whether or not the person reporting is the Complainant) may report sexual harassment to the Title IX Coordinator. Such Reports may be made in person, or at any time (including during non-business hours) by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, by an online portal set up by the University for this purpose, or by any other means that

results in the Title IX Coordinator receiving the person's verbal or written report. Individuals may also contact University police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Parties and witnesses accused of minor student conduct violations ancillary to the incident.

- E. Preliminary Contact.** Upon receiving a Report, the Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures as defined herein, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. If the identity of the Complainant is unknown, the Title IX Coordinator may conduct a limited investigation sufficient to identify the Complainant to the extent possible.
- F. Filing of a Formal Complaint.** A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth in CRR 600.020, or through an online portal provided for this purpose by the University. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity of the University.

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

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

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

**G. Notice of Allegations:**

1. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's Title IX Process, including Informal Resolution;
  - b. Notice of the allegations of sexual harassment, including sufficient details known at the time. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct allegedly constituting the sexual harassment; and the date and location of the alleged incident.
  - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX process.
  - d. A statement reminding the Respondent that they have the right to file a report or Formal Complaint with the Title IX Coordinator; however, both Parties are advised that retaliation against any Party is prohibited.
  - e. A statement notifying the Parties of the availability of Supportive Measures.
  - f. A statement notifying the Parties of their right to have an Advisor of their choice, who may be, but is

not required to be, an attorney. The Parties will be advised that if they do not have an Advisor to conduct cross-examination at a hearing on their behalf, the University will appoint such an Advisor; this Advisor may be, but is not required to be, an attorney. (This provision does not apply to matters proceeding under the process for Academic Medical Centers set forth in Section R).

- g. A statement notifying the Parties that they may have a Support Person selected by a Party accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process. A Support Person may not attend a hearing under the Title IX process unless also serving as a Party's Advisor.
- h. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and including inculpatory and exculpatory evidence whether obtained from a Party or other source.
- i. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the Title IX process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.
- j. A statement that nothing in the Title IX process is intended to supersede nor expand any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution.
- k. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Title IX Coordinator an alternate method of notification. If a Party does not have a University-issued email account, all notices will be via U.S. MaThe Notice of Allegations will be made in writing to the Parties by email to the Party's University-issued email account, with a read-receipt. If a read-receipt is not returned within one (1) business day or the Party does not have a University-issued email account, the Notice of Allegations shall be sent via U.S. Mail postage pre-paid to the last known address of the Party. Notice also may be provided in person to either Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual, or 3) when mailed.

#### **H. Supportive Measures, Emergency Removal, Interim Suspension of Student Organization, and Administrative Leave**

- 1. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. These measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter sexual harassment. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The Title IX Coordinator is responsible for the effective implementation of Supportive Measures. Supportive Measures may include:
  - a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
  - b. Mutual restrictions on contact between the Parties.
  - c. Providing campus escort services to the Parties.
  - d. Increased security and monitoring of certain areas of the campus.
  - e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or the Respondent, as appropriate.
  - f. If either Party is a student:

1. Referral of that Party to academic support services and any other services that may be beneficial to the Party.
  2. Adjusting the courses, assignments, and/or exam schedules of the Party.
  3. Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
- g. Providing limited transportation accommodations for the Parties.
- h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
2. **Emergency Removal.** The Title IX Coordinator may implement a removal of a Respondent from the University's education program or activity on an emergency basis, if the Title IX Coordinator, after conducting an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, justifies removal.
- a. In all cases in which an Emergency Removal is imposed, the Respondent will immediately be given notice and an opportunity to challenge the decision of the Title IX Coordinator either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days following the Removal. Any challenge by Respondent shall be made in writing and directed to the Title IX Coordinator and must show cause why the Removal should not be implemented. The Title IX Coordinator will forward the challenge to the Emergency Removal Appeal Individual/Committee, which will make a final decision on Removal within three (3) business days.
  - b. Violation of an Emergency Removal under this policy may be grounds for discipline under applicable University conduct policy.
3. **Interim Suspension of Student Organization.** The Title IX Coordinator may suspend, on an interim basis, a Respondent Student Organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the Respondent Student Organization might otherwise be eligible, pending the completion of the Title IX Process when the Title IX Coordinator finds and believes from available information that the presence of the student organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days.
4. **Administrative Leave.** The Title IX Coordinator may implement an administrative leave for an employee in accordance with University Human Resources Policies. Administrative leave for an employee is not an Emergency Removal under this policy.. Administrative leave for an employee is not an Emergency Removal under this policy.
- I. **Employees and Students Participating in the Title IX Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including but not limited to the Investigator, Title IX Coordinator, the Hearing Panel and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence provided in this process, including but not limited to the Investigator, Title IX Coordinator, Hearing Panel and/or the Equity Resolution Appellate Officer, by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to the provisions of CRR 200.010. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Party or witness to participate in the process. The fact that a determination has been made that a Respondent has

or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

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

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

- f. To testify at the hearing or refuse to testify at the hearing; however, if a Party or witness fails to submit to cross-examination at the hearing, the Hearing Panel shall not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Panel shall not draw any inference about the determination regarding responsibility based solely on a Party's or witness's failure to submit to cross-examination.
  - g. To have an equal opportunity to present and question witnesses, including fact and expert witnesses, and present relevant evidence.
  - h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.
16. Additional Rights for Academic Medical Center Process:
- a. To receive notice of the meeting with the decision-maker.
  - b. To submit written, relevant questions that a Party wants asked of any Party or witness and to be provided with the answers to such questions.
  - c. To be allowed additional, limited follow-up questions.

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

- 1. **Support Persons.** Each Complainant and Respondent is allowed to have one Support Person of their choice present with them for all Title IX Process interviews and meetings. The Parties may select whomever they wish to serve as their Support Person, including an attorney or parent. The Support Person may also act as the Party's Advisor.

If requested by a student Party, the Title IX Coordinator may assign a Trained Support Person to explain the Title IX process and attend interviews and meetings with a Party. University Trained Support Person(s) are administrators, faculty, or staff at the University trained on the Title IX Process. A Trained Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as a Trained Support Person.

- 2. **Advisors.** Each Party may have an Advisor of their choice present at the hearing to conduct cross-examination and other questioning for that Party. A Party may not directly question any other Party or any witness; all cross-examination and other questioning on behalf of a Party must be conducted by their Advisor. The Advisor may be, but is not required to be, an attorney. If a Party does not have an Advisor of their choice present at the hearing, the University will provide, without fee or charge to that Party, an Advisor of the University's choice to conduct cross-examination and other questioning on behalf of that Party. The Parties may not require that the assigned Advisor have specific qualifications such as being an attorney.

At the hearing, a Party's Advisor may ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. An Advisor may conduct cross-examination and other questioning for a Party, and object to questions on limited grounds as specified in the Rules of Decorum. The Advisor may not make a presentation or otherwise represent the Complainant or the Respondent during the hearing. The Advisor may consult with the Party quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the Party, other than to conduct cross-examination or other questioning for the Party. Advisors who do not follow the Rules of Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Officer.

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

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



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

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

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

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

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

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

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

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

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

- M. Impact of Optional Report to Law Enforcement.** A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. However, University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that such charges have been dismissed or reduced.

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

If delayed, the Title IX Coordinator will promptly resume the Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Title IX Coordinator will implement appropriate supportive measures during the law enforcement agency's investigation period to provide for the safety of all Parties, the University community and the avoidance of retaliation or sexual harassment.

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

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

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

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

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

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

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

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

Among the resolutions which may be reached at this stage, the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the Title IX Coordinator accepts the Respondent's proposal, the Respondent must sign a Voluntary Permanent Separation and General Release agreement to effectuate their separation and terminate the Title IX Process.

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

The Administrative Resolution process is a process whereby the decision-maker will meet separately with the Parties and their Support Person, if any, and consider the evidence provided by the investigator, including the investigative report, and evidence provided by the Parties, and will make a determination of responsibility that is binding on both Parties. The decision of the Parties to participate in Administrative Resolution must be voluntary, informed and in writing provided to the investigator, and must include a knowing written waiver of their right to a hearing under the Title IX process. However, either Party may choose to leave the process and opt for a hearing at any time before a final determination has been rendered. In addition, the following will apply to the Administrative Resolution process:

1. The standard of proof will be "preponderance of the evidence," defined as determining whether the evidence shows it is more likely than not that a policy violation occurred.
2. The decision-maker has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:
  - a. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - b. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-maker.
  - c. Incidents or behaviors of the Respondent not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Respondent that shows a pattern may be considered only if deemed relevant by the decision-maker.
  - d. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
  - e. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

3. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers to such questions will be shared with the requesting Party.
4. At any time prior to a final determination being rendered, the Complainant and/or the Respondent may request that the Formal Complaint shift from the Administrative Resolution Process to the Hearing Panel Resolution Process. Upon receipt of such timely request from either Party, the Formal Complaint will shift to the Hearing Panel Resolution Process.
5. The Administrative Resolution process will normally be completed within sixty (60) business days of the decision-maker's receipt of the Formal Complaint. Deviations from this timeframe will be promptly communicated to both Parties.
6. For good cause, the decision-maker in the Administrative Resolution Process may, in their discretion, grant reasonable extensions to the time frames and limits provided.
7. The Administration Resolution process consists of:
  - a. A prompt, thorough and impartial investigation;
  - b. A separate meeting with each Party and their Support Person, if any, and the decision-maker;
  - c. A written finding by the decision-maker on each of the alleged policy violations;
  - d. A written finding by the decision-maker on sanctions and remedial actions for findings of responsibility; and
  - e. The decision-maker shall be as follows:
    - (1) For Student or Student Organization Respondents and Staff Respondents, the decision-maker will be the Title IX Coordinator;
    - (2) For Faculty Respondents, the decision-maker will be as follows:
      - (a) The Title IX Coordinator will act as decision-maker and make recommendation(s) on findings of responsibility and sanctions and remedial actions, if applicable, to the Provost who will be the final decision-maker.
      - (b) The Title IX Coordinator has the option to request that a designee from the Provost's office act as decision-maker in Administrative Resolution and make recommendation(s) regarding findings of responsibility and sanctions and remedial actions, if applicable, to the Provost who will be the final decision-maker.
8. At least fifteen (15) business days prior to meeting with the decision-maker or if no meeting is requested, at least fifteen (15) business days prior to the decision-maker rendering a finding(s), the Title IX Coordinator or Provost's designee, if applicable, will send a letter (Notice of Administrative Resolution) to the Parties with the following information:
  - a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
  - b. The name of the decision-maker.
  - c. Reference to or attachment of the applicable procedures.
  - d. A copy of the final investigative report.
  - e. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-maker.
  - f. An indication that the Parties may have the assistance of a Support Person of their choosing at the meeting, though the Support Person's attendance at the meeting is the responsibility of the respective Parties.
9. The sanctions of expulsion and termination are not available sanctions under the Administrative Resolution process in this Policy. Further, any suspension of a student under this Administrative

Resolution process shall not exceed two (2) years. Any suspension of an employee under this Administrative Resolution process may be without pay, but may not exceed ten (10) business days.

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

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

1. **Equity Resolution Hearing Panelist Pool.** Each University will create and annually train a pool of not less than five (5) faculty and five (5) administrators and/or staff to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel pool members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Pool members are selected by the Chancellor (or Designee) and serve a renewable one-year term. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.

The Chancellor (or Designee) will select a Hearing Panelist Pool Chair ("Pool Chair"). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.

Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Title IX Coordinator. Under such circumstances, the Title IX Coordinator will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.

2. **Title IX Hearing Panel ("Hearing Panel").** When a Formal Complaint is not resolved through an Informal Resolution process, the Hearing Panelist Pool Chair will randomly select two (2) members from the Hearing Panelist Pool to serve on the specific Hearing Panel together with the Hearing Officer. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. Up to two (2) alternates may be designated to sit in throughout the process as needed. The University reserves the right to have its attorney present during the hearing and during deliberations to advise the Hearing Panel.
3. **Notice of Hearing.**

- a. At least twenty (20) business days prior to the hearing, the Title IX Coordinator will send a letter (Notice of Hearing) to the Parties with the following information:
  - (1) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
  - (2) A description of the applicable procedures.
  - (3) A statement that the Parties may have the assistance of an Advisor of their choosing, at the hearing; that the Party's Advisor will conduct all cross-examination and other questioning of the other Party and all witnesses on behalf of the Party they are advising; that if the Party does not have an Advisor, an Advisor will be provided by the University for the purpose of conducting cross-examination and other questioning for that Party; and the Advisor may be, but is not required to be, an attorney.
  - (4) The time, date and location of the hearing.
  - (5) A list of the names of each of the Hearing Panel members, including the Hearing Officer, and alternates, and information on how to raise an objection to any member of the Hearing Panel and the timeline in which to raise any objections.
  - (6) A copy of the final investigative report and exhibits.
  - (7) Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations including inculpatory and exculpatory evidence, is available to the Parties and instructions regarding how to request access to that evidence.
  - (8) Notice that if a Party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.
  - (9) Notice that the Parties may request a virtual hearing and/or any necessary accommodations.
- b. The Notice of Hearing letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.

#### **4. Pre-Hearing Witness List and Documentary Evidence.**

- a. At least fifteen (15) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence that a Party intends to call or use at the hearing.
- b. At least ten (10) business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.
- c. No employee or student, directly or through others, should take any action which may interfere with the investigation or hearing procedures. Employees and students are prohibited from attempted or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

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

- a. Hearing Panel members, including the Hearing Officer, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or



Respondent. If a Hearing Panel member or Hearing Officer feels that they have a conflict of interest or bias, or cannot make an objective determination, they must recuse themselves from the proceedings in advance of the hearing.

- b. The Parties will have been given the names of the Hearing Panel members, including the Hearing Officer, in the Notice of Hearing. Should any Complainant or Respondent object to any panelist, they must raise all objections, in writing, to the Title IX Coordinator at least fifteen (15) business days prior to the hearing.
  - c. Hearing Panel members will only be unseated and replaced if the Title IX Coordinator concludes that good cause exists for the removal of a panel member. Good cause may include, but is not limited to, bias that would preclude an impartial hearing or circumstances in which the Hearing Panel member's involvement could impact the Party's work or learning environment due to current or potential interactions with the Hearing Panel member (e.g., a panel member being in the same department as either Party). If the Title IX Coordinator determines that a Hearing Panel member, other than the Hearing Officer, should be unseated and replaced, then Title IX Coordinator will ask the Hearing Panel Pool Chair to randomly select another member from the pool to serve on the Hearing Panel. The Title IX Coordinator will select an alternate Hearing Officer if they determine that the Hearing Officer should be replaced. The Title IX Coordinator will provide a written response to all Parties addressing any objections to the Hearing Panel members, including the Hearing Officer.
6. **Alternative Attendance or Questioning Mechanisms.** All hearings will be live. However, at the request of either Party or by the University's designation, the live hearing may occur with the Parties located in separate rooms with technology enabling the Hearing Panel, including the Hearing Officer, and their legal advisor, if any, the Parties and their Advisors, and the Investigator, to simultaneously see and hear the Party or the witness answering questions. Should any hearing take place in this manner, the Title IX Coordinator (or Designee) shall be in charge of the technology during the hearing. The University will make reasonable accommodations for the Parties in keeping with the principles of equity and fairness.
7. **Requests to Reschedule the Hearing Date.** For good cause, the Title IX Coordinator may grant requests to reschedule the hearing date.
8. **Pre-Hearing Matters.**
  - a. At least ten (10) business days prior to the hearing date, a Party shall inform the Title IX Coordinator whether the Party intends to bring an Advisor of their choice to the hearing.
  - b. At least ten (10) business days prior to the hearing date, a Party shall inform the Title IX Coordinator whether the Party is requesting accommodations for the hearing.
  - c. At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the Hearing Panel members.
9. **Pre-Hearing Meeting.** Unless otherwise agreed by the Parties and the Hearing Officer, a pre-hearing meeting may be scheduled one hour prior to the start of the hearing between the Hearing Officer and Parties' Advisors. Parties may, but are not required to, be in attendance at this meeting.
10. **Conduct of Hearing.** The Hearing Officer shall participate on the Hearing Panel and preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted and establish the presence of any Advisors.
  - a. **Order of Evidence.** The order of evidence shall generally be the following: (1) The Complainant will proceed first and may give a verbal statement of their allegations of

sexual harassment against the Respondent. The Hearing Panel may next ask questions of the Complainant. The Complainant will then be subject to cross-examination by the Advisor of the Respondent. The Complainant may also call witnesses who will be subject to questioning by the Advisor of the Complainant, questioning by the Hearing Panel, and cross-examination by the Advisor of the Respondent. The Complainant may also submit documentary evidence.

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

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

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

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

#### 11. **Hearing Process Rules.**

- a. The formal rules of evidence shall not apply to any live hearing.
- b. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- c. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the Hearing Officer.
- d. Incidents or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the Hearing Officer.
- e. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
- f. The Hearing Officer shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- g. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Hearing Officer, whose ruling shall be final.

- h. A Party's Advisor will be permitted to ask the other Party and any witnesses relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Where the Hearing Officer permits a question to be answered, a presumption shall be made that the Hearing Officer determined that the question was relevant.
- i. If a Party or witness does not submit to cross-examination at a hearing, the Hearing Panel must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.
- j. The Party's Advisors may object to questions on limited grounds as specified in the Rules of Decorum. The Hearing Officer will rule on such objections and that ruling shall be final.
- k. The Hearing Officer may dismiss any person from the hearing who interferes with or obstructs the hearing, fails to adhere to the Rules of Decorum, or fails to abide by the rulings of the Hearing Officer.
- l. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Hearing Officer, whose ruling shall be final.

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

- a. The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine appropriate sanctions and remedial actions by a majority vote.
- b. The Hearing Officer will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions, if any ("Hearing Panel Decision"), and deliver it to the Title IX Coordinator detailing the following: (1) Identification of the allegations potentially constituting sexual harassment as defined in CRR 600.020; (2) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence and hearings held; (3) Findings of fact supporting the determination; (4) Conclusions regarding the application of the University's Title IX Policies to the facts; (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education programs or activities will be provided by the University to the Complainant; and; (6) The procedures and permissible bases for the Complainant and the Respondent to appeal.
- c. The Hearing Panel Decision should be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations. Deviations from the five-day period will be communicated by the Hearing Officer to the Parties and the Title IX Coordinator, along with an expected time for completion. The Hearing Panel Decision will be provided to the Title IX Coordinator who will provide it to the Parties simultaneously within five (5) business days of receipt of the decision.
- d. The Hearing Panel Decision will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the

Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.

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

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

1. Academic Medical Centers at the University of Missouri are not required to provide for a live hearing, but rather must adhere to the following process for resolving Formal Complaints alleging Title IX violations.
2. The decision-maker(s) for the Title IX Process for Academic Medical Centers shall be a neutral, impartial, and unbiased decision-maker designated by the Executive Vice Chancellor for Health Affairs.
3. **Notice of AMC Meeting.** The decision-maker will meet separately with each Party. At least fifteen (15) business days prior to the initial meeting with the decision-maker, the Title IX Coordinator will send a letter (Notice of AMC Meeting) to the Parties with the following information:
  - a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
  - b. A description of the applicable procedures.
  - c. A statement that the Parties may be accompanied by a Support Person of their choosing at the AMC Meeting.
  - d. The time, date and location of the AMC Meeting.
  - e. The name of the decision-maker, and information on how to raise an objection to the decision-maker and the timeline in which to raise any objections.
  - f. A copy of the investigative report and exhibits.
  - g. Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations, including inculpatory and exculpatory evidence, is available to the Parties and how to request access to that evidence.
4. The Notice of AMC Meeting letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
5. At least fifteen (15) business days prior to the initial AMC Meeting, the Investigator will provide to the Parties access to all evidence gathered in the investigation which is directly related to the allegations in the Formal Complaint, including any evidence upon which the Investigator does not intend to rely, and inculpatory and exculpatory evidence whether obtained from a Party or other source, copies of recordings of all interviews conducted during the investigation, and a copy of any investigative report.
6. At least ten (10) business days prior to the initial AMC Meeting, the Complainant and Respondent may provide the decision-maker with written, relevant questions the Party wants asked of any Party or witness. At least five (5) business days prior to the initial AMC Meeting, the decision-maker will provide each Party with the answers, and allow for additional, limited follow-up questions from each Party. The decision-maker must explain to the Party proposing the questions any decision to exclude a question as not relevant. The Parties may also provide the decision-maker with documentary evidence.
7. No employee or student, directly or through others, should take any action which may interfere with the investigation or the AMC process. Employees and students are prohibited from attempted or actual

intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

8. The decision-maker shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a decision-maker feels that they have a conflict of interest or bias, or cannot make an objective determination, they must recuse themselves from the proceedings in advance of the AMC meeting.
9. At least ten (10) business days prior to the initial AMC Meeting, the Parties shall provide to the Title IX Coordinator all objections in writing to the decision-maker identified in the Notice of AMC Meeting. If the Title IX Coordinator determines that the decision-maker should be replaced, the Title IX Coordinator will select an alternate decision-maker. The Title IX Coordinator will provide a written response to all Parties addressing the objections.
10. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
11. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the Hearing Officer.
12. Incidents or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the Hearing Officer.
13. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
14. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
15. All meetings between the decision-maker and Parties and/or witnesses shall be recorded.
16. Within ten (10) business days of the last meeting with any Party or witness, the decision-maker must issue a written determination regarding responsibility, applying the preponderance of the evidence standard of evidence. The written determination must include:
  - a. Identification of the allegations potentially constituting sexual harassment as defined in CRR 600.020.
  - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and meetings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the Title IX policies to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether any remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
  - f. The University's procedures and permissible bases for the Complainant and Respondent to appeal as set forth in Section U.

17. The written determination will be provided to the Title IX Coordinator, who will provide it to the Parties simultaneously within five (5) business days of receipt of the determination. Notification will be made in writing and sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
18. The determination becomes final either on the date that the University provides the Parties with the written determination of the result of the appeal, if any appeal is filed, or if any appeal is not filed, the date on which an appeal would no longer be considered timely.
19. The Title IX Coordinator is responsible for effective implementation of any remedies.

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

1. If the Respondent is found responsible for a violation of the University's Title IX Policies, the Hearing Panel, or the decision-maker in the Administrative Resolution Process or Academic Medical Center Process, will determine sanctions and remedial actions. The Title IX Coordinator will apply and enforce the sanctions and remedial actions and may also add other remedial actions as deemed appropriate.
  - a. Factors Considered When Finding Sanctions/Remedial Actions include but are not limited to:
    - (1) The nature, severity of, and circumstances surrounding the violation;
    - (2) The disciplinary history of the Respondent;
    - (3) The need for sanctions/remedial actions to bring an end to the conduct;
    - (4) The need for sanctions/remedial actions to prevent the future recurrence of the conduct; and
    - (5) The need to remedy the effects of the conduct on the Complainant and the University community.
2. **Types of Sanctions.** The following sanctions may be imposed upon any Respondent found to have violated the University's Title IX Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to the following:
  - a. **For Respondents who are Student(s) or Student Organization(s):**
    - (1) **Warning.** A notice in writing to the Respondent that there is or has been a violation of institutional regulations, and cautioning that if there are further violations, the existence of the Warning may result in more severe sanctions in the future.
    - (2) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Respondent is found to be violating any institutional regulation(s) during the probationary period.
    - (3) **Loss of Privileges.** Denial of specified privileges for a designated period of time.
    - (4) **Restitution.** Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.
    - (5) **Discretionary Sanctions.** Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming.
    - (6) **Residence Hall Suspension.** Separation of the Respondent from the residence halls for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
    - (7) **Residence Hall Expulsion.** Permanent separation of the Respondent from the residence halls.
    - (8) **Campus Suspension.** Respondent is suspended from being allowed on a specific University campus for a definite period of time. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the Chief Student Affairs Officer (or Designee).
    - (9) **University System Suspension.** Separation of the Respondent from the University System for a



definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.

(10) **Withdrawal of Recognition.** Respondent Student Organization loses its Official Approval as a recognized student organization. May be either temporary or permanent.

(11) **University System Expulsion.** Permanent and complete separation (i.e., not eligible for online courses either) of the Respondent from the University System.

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

(1) Warning – verbal or written;

(2) Performance improvement plan;

(3) Required counseling;

(4) Required training or education;

(5) Loss of annual pay increase;

(6) Loss of supervisory responsibility;

(7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;

(8) For Non-Regular Faculty, immediate termination of term contract and employment;

(9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;

(10) Suspension without pay;

(11) Non-renewal of appointment;

(12) For Regular, Tenured Faculty, suspension without pay, removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations;

(13) For Staff, Demotion;

(14) For Staff, Termination.

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

(1) Where the Complainant is a student:

(a) Permitting the student to retake courses;

(b) Providing tuition reimbursement;

(c) Providing additional academic support;

(d) Removal of a disciplinary action; and

(e) Providing educational and/or on-campus housing accommodations.

(2) Where the Complainant is an employee:

(a) Removal of a disciplinary action;

(b) Modification of a performance review;

(c) Adjustment in pay;

(d) Changes to the employee's reporting relationships; and

(e) Workplace accommodations.

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

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

**T. Withdrawal While Charges Pending.** Should a Respondent decide to resign employment, or withdraw from the University and not participate in the investigation and/or hearing without signing a Voluntary Permanent Separation and General Release Agreement and without the approval of the Title IX Coordinator, the Formal Complaint may be dismissed, or the Title IX Coordinator may determine that the process will nonetheless proceed in the Respondent's absence to a reasonable resolution and, if the Respondent is found responsible, the Respondent will not be permitted to return to the University unless all sanctions have been satisfied.

#### **U. Appeal.**

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

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three (3) requirements for appeal listed in paragraph 4 above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:
    - a. Appeals are not intended to be full re-hearings of the Formal Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, and relevant documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.
    - b. The Equity Resolution Appellate Officer will render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
    - c. Once an appeal is decided, the outcome is final. Further appeals are not permitted.
  6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.
- V. Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions and remedial actions within the timeframe specified. Failure to follow through on these sanctions and remedial actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and remedial actions and/or suspension, expulsion, termination, referral to Dismissal for Cause process, or withdrawal of recognition from the University. Suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.
- W. Dismissal for Cause Referral.** If the recommended sanction for a Regular, Tenured Faculty member is referral to the Chancellor to initiate Dismissal for Cause, the Record of the Case will be forwarded to the appropriate Faculty Committee on Tenure. Because the Dismissal for Cause proceeding is not a re-hearing of the Complaint, the Record of the Case will be included as evidence and the findings will be adopted for proceeding as detailed in Section 310.060: Procedures in Case of Dismissal for Cause in the Collected Rules and Regulations.
- X. Records.** In implementing this policy, records of all Formal Complaints, the Hearing Process or Academic Medical Center Process, and resolutions (including Informal resolution and result therefrom), will be kept by the Title IX Coordinator. For the purpose of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for seven (7) years following final resolution. In addition, a record of the response to all complaints of sexual harassment, must be maintained for a period of seven (7) years, including records of any actions, including Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education programs or activities. If the University did not provide a Complainant with Supportive Measures, the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Each Title IX Coordinator, including the Title IX Coordinator for the academic

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

- Y. Retaliation.** No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The University must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed with the Equity Officer in accordance with CRRs 600.010, 600.040, and 600.050. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of the any proceedings under this policy does not constitute retaliation provided, however that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

[600.040 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization-for matters involving conduct alleged to have occurred on or after August 14,2020](#) Bd. Min. 2-5-15; Amended 2-09-17 with an effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20; Amended 2-4-21.

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

Member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the Faculty Member is serving in the role of a University employee.

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

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

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

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

**C. Definitions:**

1. **Administrative Resolution.** A voluntary resolution process where a decision-maker makes a finding on each of the alleged policy violations in a Complaint and a finding on sanctions and remedies without a hearing.
2. **Chair of the Hearing Panel ("Panel Chair").** A Chair of the Hearing Panel for a specific Complaint is designated by the Hearing Panelist Pool Chair. The Pool Chair may serve as the Chair of the Hearing Panel for a specific Complaint.
3. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable equity resolution process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University

Faculty or Staff members, the University will appropriately respond to reports of a violation of the University's Anti-Discrimination policies and if the University decides to pursue a report of discrimination through the applicable equity resolution process, the University will act as the Complainant.

4. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.
5. **Conflict Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, or restorative justice.
6. **Equity Resolution Appellate Officer.** For Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all requests for reconsideration of summary determination and appeals stemming from the Equity Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
7. **Equity Resolution Hearing Panel ("Hearing Panel").** A group of three (3) trained Equity Resolution Hearing Panelist Pool members who serve as the Hearing Panel for a specific Complaint. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member.
8. **Equity Resolution Hearing Panelists Pool ("Hearing Panelist Pool").** A group of at least five (5) faculty and five (5) administrators and/or staff selected by the Chancellor (or Designee) to serve as hearing panel members in the Hearing Panel Resolution process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.
9. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer or the Equity Officer's Designee.
10. **Equity Support Person:** An individual selected by a Party to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Equity Support Person.
11. **Faculty Member.** For purposes of Section 600.040, Faculty Member includes all regular and non-regular academic staff appointments as defined in Sections 310.020 and 310.035 of the Collected Rules and Regulations.
12. **Hearing Panelist Pool Chair ("Pool Chair").** The Hearing Panelist Pool Chair is selected by the Chancellor (or Designee). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Complaint. The Pool Chair may serve as a panel member for a specific Complaint.
13. **Hearing Panel Resolution.** Resolution of a Complaint by an Equity Resolution Hearing Panel making the finding on each of the alleged policy violations. In faculty matters, the Hearing Panel will make recommendations as to any sanctions, if applicable, and the Provost will make the finding on sanctions. In matters involving students or student organizations, the Hearing Panel will make a finding on sanctions and remedial actions.
14. **Investigators.** Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
15. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
16. **Record of the Case.** The Record of the Case in the Section 600.040 Process includes, when applicable: All Notices to the Parties, investigative report, recordings of Party and witness interviews, exhibits used at a hearing, the hearing record (an audio or audiovisual record of the



hearing); any determination of dismissal of all or part of a Formal Complaint; the determination on each of the alleged policy violations and sanctions by either the Hearing Panel or Decision-maker; and the decision on the appeal, if any, including the request for appeal, any additional evidence submitted for the appeal, and written arguments of the parties.

17. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
  18. **Respondent.** "Respondent" refers to the Faculty Member(s) or student(s) or student organization alleged to have violated the University's Anti-Discrimination Policies.
  19. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
  20. **Student Organization.** A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization as the Party.
  21. **Summary Resolution.** Resolution of the Complaint upon a determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
  22. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations (CRR).
- D. Making a Report.** Any person (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment) may report discrimination or harassment to the Equity Officer. A report may be made in person, or at any time (including during non-business hours) by mail, by telephone, or by electronic mail, using the contact information listed for the Equity Officer, by an online portal set up by the University for this purpose, or by any other means that results in the Equity Officer receiving the person's verbal or written report. Individuals may also contact University police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Parties and witnesses accused of minor student conduct violations ancillary to the incident.
- E. Preliminary Contact and Inquiry.** Upon receiving a report, the Equity Officer shall promptly contact the Complainant to discuss the availability of supportive measures as defined herein, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the identity of the Complainant is unknown, the Equity Officer may conduct a limited investigation sufficient to identify the Complainant to the extent possible. In addition to making preliminary contact, the Equity Officer shall conduct a preliminary inquiry to gather enough information to make a threshold decision regarding whether the report describes a possible violation of the University's anti-discrimination policies. If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation. The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.
- F. Filing a Complaint.**  
A Complaint is a document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation. As used herein, the phrase "document filed and signed by a

complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Complaint.

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

The University may consolidate Complaints as to allegations of discrimination or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party where the allegations of discrimination or harassment, arise out of the same facts or circumstances. Where this process involves more than one Complainant or more than one Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

**G. Notice of Allegations**

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:
  - a. A description of the University’s available Equity Resolution processes, including Conflict Resolution;
  - b. Notice of the allegations of discrimination and/or harassment, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting the discrimination and/or harassment; and the date and location of the alleged incident.
  - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
  - d. A statement notifying the Parties of the availability of supportive measures.
  - e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
  - f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
  - g. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
  - h. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the grievance process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.

- i. A statement that nothing in the Equity Process is intended to supersede nor expand any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution.
  - j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer with a preferred method of notification.
2. The Notice of Allegations will be made in writing to the Parties by email to the Party's University-issued email account, with a read-receipt or reply email requested. If a read-receipt or reply email is not returned within three (3) business days or the Party does not have a University-issued email account, the Notice of Allegations shall be sent via U.S. Mail postage pre-paid to the last known address of the Party. Notice also may be provided in person to either Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual, or 3) when mailed.

#### **H. Supportive Measures, Emergency Removal, Interim Suspension of Student Organization, and Administrative Leave**

1. **Supportive measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and harassment. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:
- a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
  - b. Mutual restrictions on contact between the Parties.
  - c. Providing campus escort services to the Parties.
  - d. Increased security and monitoring of certain areas of the campus.
  - e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or Respondent, as appropriate.
  - f. If either Party is a student:
    - 1. Referral of that Party to academic support services and any other services that may be beneficial to the Party.
    - 2. Adjusting the courses, assignments, and/or exam schedules of the Party.
    - 3. Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
  - g. Providing limited transportation accommodations for the Parties.
  - h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
2. **Emergency Removal.** The Equity Officer may implement a removal of a Respondent from the University's education program or activity on an emergency basis, if the Equity Officer, after conducting an individualized safety and risk analysis, determines that an immediate threat to the

physical health or safety of any student or other individual arising from the allegations of discrimination or harassment, justifies removal.

- a. In all cases in which an Emergency Removal is imposed, the Respondent will immediately be given notice and an opportunity to challenge the decision of the Equity Officer either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days following the Removal. Any challenge by Respondent shall be made in writing and directed to the Equity Officer and must show cause why the Removal should not be implemented. The Equity Officer will forward the challenge to the Emergency Removal Appeal Individual/Committee, which will make a final decision on Removal within three (3) business days.
  - b. Violation of an Emergency Removal under this policy may be grounds for discipline under applicable University conduct policy.
- 3 **Interim Suspension of Student Organization.** The Equity Officer may suspend, on an interim basis, a Respondent Student Organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the Respondent Student Organization might otherwise be eligible, pending the completion of the Equity Process when the Equity Officer finds and believes from available information that the presence of the student organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days.
  - 4 **Administrative Leave.** The Equity Officer may implement an administrative leave for an employee in accordance with University Human Resources Policies. Administrative leave for an employee is not an Emergency Removal under this policy.
- I. **Employees and Students Participating in the Equity Resolution Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including but not limited to the Investigator, Equity Officer, Provost (or Designee), the Hearing Panel, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence or refusal to cooperate with the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to the provisions of CRR 200.010. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. For purposes of this policy, "refusal to cooperate" does not include refusal to participate in any proceedings involving sex discrimination. The fact that a determination has been made that a Respondent has or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

#### **J. Rights of the Parties in the Equity Resolution Process**

1. To be treated with respect by University officials.
2. To be free from retaliation.

3. To have access to University support resources (such as counseling and mental health services and University health services).
4. To request a no contact directive between the Parties.
5. To have an Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict or Administrative Resolution Processes.
7. To receive prior to a hearing or other time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
8. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
9. To have Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
11. To be informed of the finding, rationale, sanctions and remedial actions.
12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13. To have an opportunity to appeal a summary determination ending the process, and appeal the determination of a hearing panel or decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process.
15. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.040.H.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.
16. Additional Rights for Hearing Panel Resolution:
  - a. To receive notice of a hearing.
  - b. To have the names of witnesses that may participate in the hearing and copies of all documentary evidence gathered in the course of the investigation and any investigative report prior to the hearing.
  - c. To be present at the hearing, which right may be waived by either written notification to the Hearing Panel Chair or by failure to appear.
  - d. To have present an Equity Support Person during the hearing and to consult with such Equity Support Person during the hearing.
  - e. To request to have an Equity Support Person of the University's selection appointed for a Student Party where the Student Party does not have an Equity Support Person of their own choice at a hearing.
  - f. To testify at the hearing or refuse to testify at the hearing.
  - g. To have an equal opportunity to present witnesses and documents deemed relevant by the Hearing Panel Chair, and to question witnesses present and testifying at the hearing.
  - h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.

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

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

specific qualifications such as being an attorney. An Equity Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as an Equity Support Person.

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

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

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

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

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

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

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

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

The final investigative report will fairly summarize the relevant evidence.

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

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

- M. Impact of Optional Report to Law Enforcement.** A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. However, University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that such charges have been dismissed or reduced.

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

If delayed, the Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer will implement appropriate supportive measures during the law enforcement agency's investigation period to provide for the safety of all Parties, the University community and the avoidance of retaliation, discrimination, or harassment.

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

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

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

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

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity Officer that there is not a sufficient basis to proceed with the Complaint, then the process will

end and the Complainant and the Respondent will simultaneously be sent written notification of the decision. This decision to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such decision is final. Further reconsideration of such decision is not permitted.

- O. Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict Resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Parties are not required to waive their right to an investigation of a Complaint or a right to a hearing. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative or Hearing Panel Resolution Process and either Party can stop the Conflict Resolution Process at any time and request either the Administrative Resolution Process or Hearing Panel Resolution Process. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer will determine if Conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution.

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

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

Among the resolutions which may be reached at this stage (or at any point prior to a finding through Administrative or Hearing Panel Resolution), the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the Equity Officer accepts the Respondent's proposal, the Respondent must sign a Voluntary Permanent Separation and General Release agreement to effectuate their separation and terminate the Equity Resolution process.

- P. Procedural Details for Administrative Resolution and Hearing Panel Resolution.** For both the Administrative Resolution and Hearing Panel Resolution, which are described in more detail below, the following will apply:
1. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
  2. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
  3. The decision-maker has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In addition, the following rules shall apply to the introduction of evidence:



- a. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - b. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-maker.
  - c. Incidents or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the decision-maker.
  - d. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
  - e. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- 4. The Respondent may not directly question the Complainant and the Complainant may not directly question the Respondent. However, if both Complainant and Respondent request the opportunity, direct questioning between the Parties will be permitted in the Hearing Panel Resolution Process. Otherwise written questions will be directed to the Chair in the Hearing Panel Resolution Process, and those questions deemed appropriate and relevant will be asked on behalf of the requesting Party.
  - 5. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers to such questions will be shared with the requesting Party.
  - 6. At any time prior to the deadline in the Notice of Administrative Resolution, the Complainant and/or the Respondent may request that the Complaint shift from the Administrative Resolution process to the Hearing Panel Resolution process. Upon receipt of such timely request from either Party, the Complaint will shift to the Hearing Panel Resolution Process.
  - 7. The Resolution Processes may proceed regardless of whether the Respondent chooses to participate in the investigation, the finding or the hearing.
  - 8. The Administrative Resolution or Hearing Panel Resolution Process will normally be completed within a reasonably prompt time period, not to exceed one hundred twenty (120) days, following the Equity Officer's receipt of a Complaint. Unusual delays will be promptly communicated to both Parties.
  - 9. For good cause, the decision-maker may, in their discretion, grant reasonable extensions to the time frames and limits provided.

**Q. Administrative Resolution:**

- 1. Administrative Resolution can be pursued for any behavior that falls within the University's Anti-Discrimination Policies. Administrative Resolution may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.
- 2. The Administrative Resolution process consists of:

- a. A prompt, thorough and impartial investigation;
  - b. A separate meeting with each Party and their Equity Support Person, if any, and the decision-maker, if requested;
  - c. A written finding by the decision-maker on each of the alleged policy violations:
    - (1) For Faculty Respondents by the Provost (or Designee)
    - (2) For Student/Student Organization Respondents by the Equity Officer
  - d. A written finding on sanctions for findings of responsibility:
    - (1) For Faculty Respondents by the Provost
    - (2) For Student/Student Organization Respondents by the Equity Officer
3. At least fifteen (15) business days prior to meeting with the decision-maker, or if no meeting is requested, at least fifteen (15) business days prior to the decision-maker rendering a finding(s), the decision-maker will send a letter (Notice of Administrative Resolution) to the Parties containing the following information:
  - a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
  - b. The name of the decision-maker.
  - c. Reference to or attachment of the applicable procedures.
  - d. A copy of the final investigative report.
  - e. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-maker.
  - f. An indication that the Parties may have the assistance of an Equity Support Person of their choosing at the meeting with the decision-maker, though the Equity Support Person's attendance at the meeting is the responsibility of the respective Parties.
  - g. The option and the deadline of ten (10) business days from the date of the Notice to request in writing that the matter be referred to the Hearing Panel Resolution process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
4. The Notice of Administrative Resolution will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual to their University-issued email account or 3) when sent via the alternate method of notification specified by the Party.
5. Within ten (10) business days from the date of the Notice of Administrative Resolution, the Parties have the right to have the matter referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
6. The decision-maker can, but is not required to, meet with and question the Investigator and any identified witnesses. The decision-maker may request that the Investigator conduct additional interviews and/or gather additional information. The decision-maker will attempt to meet separately with the Complainant and the Respondent, and their Equity Support Person, if any, to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the decision-maker will render a finding utilizing the preponderance of the evidence standard. For Faculty Respondents, the Provost's Designee may recommend appropriate sanctions and remedial

actions but only the Provost will find sanctions or remedial actions. The findings and sanctions are subject to appeal.

7. The decision-maker will inform the Respondent and the Complainant simultaneously of the finding on each of the alleged policy violations and the finding of sanctions, if applicable, in writing by email to the Party's University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual to their University-issued email account or 3) when sent via the alternate method of notification specified by the Party.
8. Either Party may appeal a decision under Administrative Resolution in accordance with Section T of this policy.

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

1. **Equity Resolution Hearing Panelist Pool.** Each University will create and annually train a pool of not less than five (5) faculty and five (5) administrators and/or staff to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Panelists are selected by the Chancellor (or Designee) and serve a renewable one-year term. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.

The Chancellor (or Designee) will select a Hearing Panelist Pool Chair ("Pool Chair"). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.

Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Equity Officer. Under such circumstances, the Equity Officer will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.

2. **Equity Resolution Hearing Panel ("Hearing Panel").** When a Complaint is not resolved through the Administrative Resolution Process, the Hearing Panelist Pool Chair will randomly select three (3) members from the Hearing Panelist Pool to serve on the specific Hearing Panel. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. Up to two (2) alternates may be designated to sit in throughout the process as needed. The University reserves the right to have its attorney present during the hearing and during deliberations to advise the Hearing Panel.
3. **Notice of Hearing.**
  - a. At least twenty (20) business days prior to the hearing, the Equity Officer will send a letter (Notice of Hearing) to the Parties with the following information:
    - (1) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
    - (2) A description of or attachment of the applicable procedures.
    - (3) A statement that the Parties may have the assistance of an Equity Support Person of their choosing, at the hearing; at the hearing, though the Equity Support Person's attendance at the hearing is the responsibility of the respective Parties.
    - (4) The time, date and location of the hearing.
    - (5) A list of the names of each of the Hearing Panel members and alternates, and information on

how to raise an objection to any member of the Hearing Panel and the timeline in which to raise any objections.

(6) A copy of the final investigative report and exhibits.

(7) Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations is available to the Parties and instructions regarding how to request access to that information.

(8) Notice that the Parties may request a virtual hearing and/or any necessary accommodations.

- b. The Notice of Hearing letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.

**4. Pre-Hearing Witness List and Documentary Evidence.**

- a. At least fifteen (15) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence that a Party intends to call or use at the hearing.
- b. At least ten (10) business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.
- c. No employee or student, directly or through others, should take any action which may interfere with the investigation or hearing procedures. Employees and students are prohibited from attempted or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
- d. At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the Hearing Panel members.

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

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

- 6. **Request for Alternative Attendance or Questioning Mechanisms.** The Chair of the Hearing Panel, in consultation with the Parties and investigators, may decide in advance of the hearing that

certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator(s) in the investigative report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the Parties.

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

7. **Requests to Reschedule the Hearing Date.** For good cause, the Chair of the Hearing Panel may grant requests to reschedule the hearing date.
8. **Conduct of Hearing.** The Chair of the Hearing Panel ("Chair" in this subsection) shall preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted, and establish the presence of any Equity Support Persons. Formal rules of evidence shall not apply.
  - a. **Order of Evidence.** The order of evidence shall be the following:
    - (1) **Investigator's Report and Testimony.** Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent and the Hearing Panel. The Investigator may also submit documentary evidence. The investigator(s) will remain present during the entire hearing process.
    - (2) **Complainant's Evidence.** The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent (through the Hearing Panel Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.
    - (3) **Respondent's Evidence.** The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also submit documentary evidence.
    - (4) **Record of Hearing.** The Chair of the Hearing Panel shall arrange for recording of the hearing, whether by audio, video, digital or stenographic means. The recording of the hearing will become part of the Record of the Case in the Section 600.040 Process.
9. **Process Rules and Rights of the Hearing Panel.**
  - a. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Chair, whose ruling shall be final, unless the Chair shall present the

question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.

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

**10. Findings of the Hearing Panel.**

- a. The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation).
- b. If a Student or Student Organization Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine the appropriate sanctions which will be imposed by the Equity Officer. If a Faculty Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will recommend appropriate sanctions to the Provost, who will determine and impose the appropriate sanctions.
- c. The Hearing Panel Chair will prepare a written determination regarding responsibility ("Hearing Panel Decision") and deliver it to the Provost (or Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents) detailing the following:

(1) Identification of the allegations potentially constituting discrimination or harassment, as defined in CRR 600.010, and the determination of the Hearing Panel.

(2) A description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence and hearings held;

(3) Findings of fact supporting the determination and any information the Hearing Panel excluded from its consideration and why;

(4) Conclusions regarding the application of the University's Anti-Discrimination policies to the facts;

(5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;

(6) For Student Respondents, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education programs or activities will be provided by the

University to the Complainant;

(7) For Faculty Respondents, any disciplinary sanctions the Hearing Panel recommends to be imposed on the Respondent and any recommended remedies designed to restore or preserve equal access to the University's education programs or activities to be provided by the University to the Complainant; and

(8) The procedures and permissible bases for the Complainant and the Respondent to appeal.

- d. The Hearing Panel Decision will be provided to the Equity Officer (for Student Respondents) within five (5) business days of the end of deliberations. The Hearing Panel Decision will be provided to the Provost (or Designee) (for Faculty Respondents) within five (5) business days of the end of deliberations.
- e. The Provost (or Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents) will inform the Respondent and the Complainant simultaneously of the Hearing Panel Decision and the Provost's finding of sanctions, if applicable, within five (5) business days of receipt of the Hearing Panel Decision; such notification will be sent in writing by email to the Party's University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual to their University-issued email account or 3) when sent via the alternate method of notification specified by the Party.
- f. The Hearing Panel Decision will become final either on the date that the Parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- g. The Equity Officer is responsible for effective implementation of any remedies.

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

1. **Factors Considered When Finding Sanctions/Remedial Actions.** When recommending or imposing sanctions and/or remedial actions, factors to consider include but are not limited to the following:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - c. The need for sanctions/remedial actions to bring an end to the conduct;
  - d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
  - e. The need to remedy the effects of the conduct on the Complainant and the University community; and
  - f. Any other information deemed relevant by the decision-maker(s).
2. **Types of Sanctions.**
  - a. The following sanctions may be imposed upon any Faculty Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
    - (1) Warning - verbal or written;
    - (2) Performance Improvement Plan;
    - (3) Required counseling;
    - (4) Required training or education;
    - (5) Loss of annual pay increase;
    - (6) Loss of supervisory responsibility;
    - (7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;

- (8) For Non-Regular Faculty, immediate termination of term contract and employment;
- (9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;
- (10) Suspension without pay;
- (11) Non-renewal of appointment; and
- (12) For Regular, Tenured Faculty, suspension without pay, removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations.

b. The following sanctions may be imposed upon any Respondent Student or Respondent Student Organization found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:

- (1) **Warning.** A notice in writing to the Respondent Student or Respondent Student Organization that there is or has been a violation of institutional regulations.
- (2) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Respondent Student or Respondent Student Organization is found to be violating any institutional regulation(s) during the probationary period.
- (3) **Loss of Privileges.** Denial of specified privileges for a designated period of time.
- (4) **Restitution.** Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.
- (5) **Discretionary Sanctions.** Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming or counseling.
- (6) **Residence Hall Suspension.** Separation of the Respondent Student from the residence halls for a definite period of time, after which the Respondent Student is eligible to return. Conditions for readmission may be specified.
- (7) **Residence Hall Expulsion.** Permanent separation of the Respondent Student from the residence halls.
- (8) **Campus Suspension.** Respondent Student is suspended from being allowed on a specific University campus for a definite period of time. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the Chief Student Affairs Officer (or Designee).
- (9) **University System Suspension.** Separation of the Respondent Student from the University System for a definite period of time, after which the Respondent Student is eligible to return. Conditions for readmission may be specified.
- (10) **Withdrawal of Recognition.** Respondent Student Organization loses its Official Approval as a recognized student organization. May be either temporary or permanent.
- (11) **University System Expulsion.** Permanent and complete separation (i.e., not eligible for online courses either) of the Respondent Student from the University System.

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

- (1) Where the Complainant is a student:
  - (a) Permitting the student to retake courses;
  - (b) Providing tuition reimbursement;
  - (c) Providing additional academic support;



- (d) Removal of a disciplinary action; and
- (e) Providing educational and/or on-campus housing accommodations.

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

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

**d. When Implemented.**

- (1) Sanctions imposed against Student Respondents are stayed until the end of any appeal period or once an appeal, if any, is final, unless the Equity Officer determines the sanctions should be imposed immediately.
- (2) Sanctions against Staff Respondents shall be implemented immediately.
- (3) Sanctions against Faculty Respondents shall be implemented immediately; however, for Regular, Tenured Faculty Respondents, the sanction of suspension without pay will be a suspension with pay while the appeal is pending, but not for the duration of any dismissal for cause proceedings.
- (4) When the sanction is termination, actual termination will be stayed until the end of any appeal period or once an appeal, if any, is final; however, the Respondent will be suspended without pay during any appeal period or once an appeal, if any, is final.

- 3. **Withdrawal While Charges Pending.** Should a Respondent decide to leave the University and not participate in the investigation and/or hearing without signing a Voluntary Permanent Separation and General Release Agreement and without the approval of the Equity Officer, the Complaint may be dismissed, or the Equity Officer may determine that the process will nonetheless proceed in the Respondent's absence to a reasonable resolution and, if the Respondent is found responsible, the Respondent will not be permitted to return to the University unless all sanctions have been satisfied.

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

- 1. **Grounds for appeal.** Both Grounds for appeals are limited to the following:
  - a. A procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures, etc.);
  - b. To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
  - c. The Equity Officer, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
  - d. The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Respondent.
- 2. **Requests for Appeal.** Both the Complainant and the Respondent may appeal to the Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant

or Respondent; if the Equity Resolution Appellate Officer does not believe that they can make an objective decision about an appeal, they should recuse themselves. For Student and Student Organization Respondents, the Chancellor (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal; For Faculty Respondents, the President (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within five (5) business days of the delivery of the Notice of Administrative Resolution or Hearing Panel Decision. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.

3. **Response to Request for Appeal.** Within five (5) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party may file a response to the request for appeal. The response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.
4. **Review of the Request to Appeal.** The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:
  - a. The request is timely;
  - b. The appeal is on the basis of any of the articulated grounds listed above; and
  - c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three requirements for appeal listed in Paragraph 4 above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:
  - a. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, Administrative Resolution determination, or Hearing Panel Resolution, and relevant documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.
  - b. The Equity Resolution Appellate Officer will normally render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  - c. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.

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

- U. Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions and remedial actions within the time frame specified. Failure to follow through on these sanctions and remedial actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and remedial actions through the applicable process.
- V. Records.** In implementing this policy, records of all Complaints, resolutions (including Conflict resolution and result therefrom, and Administrative Resolution and result therefrom), and hearings will be kept by the Equity Officer. For the purpose of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for seven (7) years following final resolution.

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

- W. Dismissal for Cause Referral.** If the recommended sanction for a Regular, Tenured Faculty member is referral to the Chancellor to initiate Dismissal for Cause, the Record of the Case will be forwarded to the appropriate Faculty Committee on Tenure. Because the Dismissal for Cause proceeding is not a re-hearing of the Complaint, the Record of the Case will be included as evidence and the findings will be adopted for proceeding as detailed in Section 310.060: Procedures in Case of Dismissal for Cause in the Collected Rules and Regulations.
- X. Retaliation.** The University strictly prohibits retaliation against any person for making any good faith report of discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination or harassment. For matters involving discrimination or harassment other than sex discrimination under this policy, employees have an obligation to cooperate with University officials including the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer.

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

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

Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to notify the Equity Officer. The University will promptly investigate all complaints of retaliation in accordance with this policy.

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

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

**600.050 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri-for matters involving conduct alleged to have occurred on or after August 14,2020** Bd. Min. 2-5-15; Amended 2-9-17 with effective date of 3-1-17; Amended 7-28-20 with an effective date of 8-14-20; Amended 2-4-21.

- A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination Policies. The procedures described below apply to such reports when the Respondent is a Staff Member, or when the Respondent is not an individual actor but rather the University of Missouri, one of the Universities within the University of Missouri System, or one of its or their educational programs, departments, or other institutional entities, except as noted herein. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the System Equity Officer, the investigation may be conducted by an outside investigator.

This procedure does not govern complaints alleging discriminatory denial of coverage under any University health plan, which complaints shall be processed pursuant to the University's applicable grievance process. Further, this procedure does not apply to complaints alleging conduct that would be defined as sexual harassment under Section 600.020 of the Collected Rules and Regulations.

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

The University may further take appropriate action, including, but not limited to, the imposition of remedial actions under Section 600.050 of the Collected Rules and Regulations for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, or visitors or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, or (3) if the conduct occurs when staff or faculty members are serving in the role of University employees.

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

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

- C. **At-Will Employment Status.** Nothing contained in this policy is intended and no language contained herein shall be construed as establishing a "just cause" standard for imposing discipline, including but not limited to, termination of employment. Further, nothing contained in this policy is intended and no language contained herein shall be construed to alter in any manner whatsoever the at-will employment status of any at-will University employee.
- D. **Definitions:**
  - 1. **Administrative Resolution.** The equity resolution process of a Complaint by making a finding on each of the alleged policy violations and finding on sanctions without a hearing.
  - 2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable Equity Resolution Process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable Equity Resolution Process only when their employment is terminated and they allege that the termination of employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to reports of a violation of the University's Anti-Discrimination Policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.
  - 3. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.

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

15. **Staff Members.** Staff members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III. When academic administrators are acting in their administrative, at- will role, Complaints against them will be processed pursuant to this Equity Resolution Process.
16. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
17. **Supervisor.** The individual or individuals who have authority to terminate the Respondent's employment. If a supervisor has a conflict as determined by the Equity Officer, the Equity HR Officer will determine the appropriate manager to act as the Supervisor for purposes of this rule.
18. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations.

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

F. **Preliminary Contact and Inquiry.** Upon receiving a report, the Equity Officer shall promptly contact the Complainant to discuss the availability of supportive measures as defined herein, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of availability of supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. If the identity of the Complainant is unknown, the Equity Officer may conduct a limited investigation sufficient to identify to Complainant to the extent possible.

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

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

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

G. **Filing a Complaint.**

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

purpose by the University) that contains the complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Complaint.

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

The University may consolidate Complaints as to allegations of discrimination or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other Party where the allegations of discrimination or harassment, arise of the same facts or circumstances. Where this process involves more than one Complainant or more than one Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

#### **H. Notice of Allegations:**

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:
  - a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
  - b. Notice of the allegations of discrimination and/or harassment, including sufficient details known at the time. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct allegedly constituting the discrimination and/or harassment; and the date and location of the alleged incident.
  - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
  - d. A statement notifying the Parties of the availability of supportive measures.
  - e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
  - f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
  - g. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
  - h. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.
  - i. A statement that nothing in the Equity Process is intended to supersede nor expand any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution.



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

**I. Supportive Measures and Administrative Leave.**

1. **Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and harassment. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:
  - a. Referral and facilitating contact for the Complainant or Respondent for counseling or other support services.
  - b. Mutual restrictions on contact between the Parties.
  - c. Providing escort services to the Parties.
  - d. Increased security and monitoring of certain areas of the campus.
  - e. Adjusting the extracurricular activities, work schedules, work assignments, supervisory responsibilities, or work arrangements of the Complainant and/or Respondent, as appropriate.
  - f. If either Party is a student:
    1. Referral of that Party to academic support services and any other services that may be beneficial to the Party.
    2. Adjusting the courses, assignments, and/or exam schedules of the Party.
    3. Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.
  - g. Providing limited transportation accommodations for the Parties.
  - h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
2. **Administrative Leave.** The Equity Officer may implement an administrative leave for an employee in accordance with University Human Resources Policies.

- J. Employees and Students Participating in the Equity Resolution Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including to the Investigator, the Equity HR Officer (or Designee), the Equity Officer, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Equity HR Officer (or Designee), the Equity Officer, and/or the Equity Resolution Appellate Officer by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to CRR 200.010. However, this obligation does not supersede nor expand any rights the individual may have under

applicable state or federal statutory law or the U.S. Constitution. For purposes of this policy, “refusal to cooperate” does not include refusal to participate in any proceedings involving sex discrimination. The fact that a determination has been made that a Respondent has or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.

No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempted or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

**K. Rights of the Parties in the Equity Resolution Process.**

1. To be treated with respect by University officials.
2. To be free from retaliation.
3. To have access to University support resources (such as counseling and mental health services and University health services).
4. To request a no contact directive between the Parties.
5. To have Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict Resolution Process.
7. To receive prior to Administrative Resolution, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
8. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
9. To have Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
11. To be informed of the finding, rationale, sanctions and remedial actions.
12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13. To have an opportunity to request reconsideration of the summary determination ending the process, and appeal the determination of a decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process under this policy.
15. Additional Rights for Students as a Party:
  - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.050.I.
  - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.

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

If Complainant is a student, they may request that the Equity Officer assign an Equity Support Person to provide support throughout the Equity Resolution Process. University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as an Equity Support Person.

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

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

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

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

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

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

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

The final investigative report will fairly summarize the relevant evidence.

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

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

- N. Impact of Optional Report to Law Enforcement.** A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. However, University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that such charges have been dismissed or reduced.

The Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity investigation and resolution process may be temporarily

delayed for good cause, which can include concurrent law enforcement activity. In such instances, written notice of the delay or extension with reasons for the action will be sent to each Party.

If delayed, the Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer will implement appropriate supportive measures during the law enforcement agency's investigation period to provide for the safety of all Parties, the University community and the avoidance of retaliation, discrimination, or harassment.

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

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

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

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

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

- P. Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict Resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Parties are not required to waive their right to an investigation of a Complaint or a right to Administrative Resolution. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative Resolution Process and either Party can stop the Conflict Resolution Process at any time and request the Administrative Resolution Process. Conflict Resolution is never available to resolve allegations

that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer will determine if Conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution.

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

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

**Q. Administrative Resolution.**

1. **Procedural Details for Administrative Resolution.** The Administrative Resolution process is a process whereby decision-makers will meet with the Parties and their Equity Support Person, if any, and consider the evidence provided by the investigator, including the investigative report, and evidence provided by the Parties, and will make a determination of responsibility that is binding on both Parties. For the Administrative Resolution Process, which is described in more detail below, the following will apply:

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

- (1) Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- (2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-makers.
- (3) or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the decision-makers.
- (4) A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's

express consent.

(5) The decision-makers shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

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

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

Administrative Resolution can be pursued for any behavior that falls within the University's Anti-Discrimination Policies.

The Administrative Resolution process consists of:

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

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

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

The Notice of Administrative Resolution will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.

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

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

The Equity HR Officer (if Staff Respondent) or the Equity Officer (if University Respondent) will inform the Respondent and the Complainant simultaneously of the joint finding on each of the alleged policy violations and the joint finding on sanctions for findings of responsibility, if applicable, within ten (10) business days of the last meeting with any Party or witness. Notice will be made to the Respondent and the Complainant simultaneously in writing by email to the Party's University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.

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

1. If Staff Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will determine sanctions and remedial actions. If the University is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity Officer and Designated Administrator will determine remedial actions.
2. Factors to be considered when finding sanctions and remedial actions may include:
  - a. The nature, severity of, and circumstances surrounding the violation;
  - b. The disciplinary history of the Respondent;
  - c. The need for sanctions/remedial actions to bring an end to the conduct;
  - d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
  - e. The need to remedy the effects of the conduct on the Complainant and the University community;
  - and
  - f. Any other information deemed relevant by the decision-maker(s).
3. **Types of Sanctions.** The following sanctions may be imposed upon any Staff Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:
  - a. Warning – verbal or written;
  - b. Performance improvement plan;
  - c. Required counseling;
  - d. Required training or education;
  - e. Loss of annual pay increase;
  - f. Loss of supervisory responsibility;
  - g. Demotion;
  - h. Suspension without pay;
  - i. Termination; and
  - j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.

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

- a. Where the Complainant is a student:
  - (1) Permitting the student to retake courses;
  - (2) Providing tuition reimbursement;
  - (4) Removal of a disciplinary action; and
  - (5) Providing educational and/or on-campus housing accommodations.
- b. Where the Complainant is an employee:
  - (1) Removal of a disciplinary action;
  - (2) Modification of a performance review;
  - (3) Adjustment in pay;
  - (4) Changes to the employee's reporting relationships; and
  - (5) Workplace accommodations.

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

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

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

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

- a. A procedural irregularity that affected the outcome of the dismissal decision or the Administrative Resolution Process (e.g., material deviation from established procedures, etc.);
- b. To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. That the Equity Officer, Equity HR Officer, Investigator(s), or other decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Respondent.

2. **Requests for Appeal.** Both the Complainant and the Respondent may appeal to the Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; if the Equity Resolution Appellate Officer does not believe that they can make an objective decision about an appeal, they should recuse themselves and the Chancellor (or Designee) for University Staff Respondents, or the President (or Designee) for System Staff and University Respondents, shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within five (5) business days of the delivery of the notice of joint findings by the designated decision-makers. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.

3. **Response to Request for Appeal.** Within five (5) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party may file a written response to the request for appeal. The written response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.



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

The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three requirements for appeal listed in Paragraph 4 above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:
  - a. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.
  - b. The Equity Resolution Appellate Officer will provide a written decision on the appeal simultaneously to all Parties within ten (10) business days from accepting the request for appeal. This decision will describe the result of the appeal and the rationale for the result.
  - c. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
  - d. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.
6. **Extensions of Time.** For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process. The Equity Resolution Appellate Officer will notify the Parties in writing if such extensions are granted.

**T. Failure to complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions and remedial actions within the timeframe specified. Failure to follow through on these sanctions and remedial actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and remedial actions through the applicable process.

**U. Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer. For purposes of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for a minimum of seven (7) years following final resolution.

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

System shall be reported on an annual basis to the University of Missouri System's chief officers for human resources, student affairs, and diversity, equity and inclusion.

- V. Retaliation.** The University strictly prohibits retaliation against any person for making any good faith report of discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination or harassment. For matters involving discrimination or harassment other than sex discrimination under this policy, employees have an obligation to cooperate with University officials including the Investigator, Equity Officer, Equity HR Officer, Supervisor, and/or the Equity Resolution Appellate Officer.

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

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

Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to notify the Equity Officer. The University will promptly investigate all complaints of retaliation in accordance with this policy.

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

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

Any employee of the University who becomes aware of sex discrimination as defined in this policy (including sexual harassment, 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 is a student, employee, volunteer or visitor of the University. Exception: Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, {pastoral counselors} 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 non-professional counselors or advocates as

confidential for purposes of this policy and, therefore, excluded from the definition of Mandated Reporters.

The Title IX Coordinator has been designated to coordinate the University's compliance with laws governing sex discrimination in education. If you have any questions about sex discrimination, sexual misconduct, sexual harassment, or sexual violence, you may contact: **Jessica Swederske**, Acting Title IX Coordinator & Chief Equity Officer 153 JCPenney, Phone: 314-516-5748, <https://www.umsi.edu/title-ix/index.html>

### **Procedures for Resolution of Sexual Assault, Domestic Violence, Dating Violence, Stalking**

Procedurally, when the University of Missouri-St. Louis receives a report of sexual misconduct, sexual harassment, gender-based violence, or other sex or gender discrimination the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the University will assist the victim in making these contacts. The Title IX Coordinator, Human Resources and/or the Division of Student Affairs will offer assistance to victim in the form of interim or long-term measures such as opportunities for academic accommodations, work assignment adjustments, changes in housing for the victim or the responding student, supervisory reporting adjustments, visa and immigration assistance, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.) If the victim so desires he/she will be connected with a counselor on or off-campus, as well as an off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the University provides them in the hopes of offering help and support without condition or qualification. A written summary of rights, options, supports and procedures, is provided to all victims, whether they are a student, employee, guest or visitor.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the University can be found online here: <https://www.umsi.edu/title-ix/reporting.html> Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of the appropriate campus administrators. The University does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator.

The Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end; the University acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Coordinator is also responsible for assuring that training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

The investigation and records of the resolution conducted by the University are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with Missouri law and, in the case of student records, the federal privacy statute: FERPA. Any public release of information needed

to comply with the open crime logs or timely warning provisions of the Clery Act will not include release the names of victims or information that could easily lead to a victim's identification. Additionally, the University maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing or other procedural action. Any discrimination incidents, including sexual assault, sexual harassment, sexual misconduct, stalking on the basis of sex, intimate partner and/or relationship violence, and sexual exploitation should be reported to the Title IX Coordinator & Chief Equity Officer:

**Jessica Swederske**

Acting Title IX Coordinator & Chief Equity  
Officer 153 JCPenney  
Phone: 314-516-5748  
Email: [swederskej@umsl.edu](mailto:swederskej@umsl.edu)

**Revised Statutes of Missouri**

These definitions are provided for educational and awareness purposes. They are not used for the purposes of reporting Clery Act statistics. *Missouri Revised Statutes*: <https://revisor.mo.gov/main/Home.aspx>

**Rape/Statutory Rape/Sodomy statutes:**

566.030 Rape in the first degree, 1. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

566.031 Rape in the second degree 1. A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.

566.032 Statutory rape and attempt to commit, 1. A person commits the crime of statutory rape in the first degree if he has sexual intercourse with another person who is less than fourteen years old.

566.034 Statutory rape, second degree, 1. A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.

566.060 Sodomy in the first degree, 1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be

incapable of making an informed consent to sexual intercourse.

566.061 Sodomy in the second degree, 1. A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.

566.062 Statutory sodomy and attempt to commit, first degree, penalties. — 1. A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.

566.064 Statutory sodomy, second degree, 1. A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.

**Sexual Misconduct/Sexual Abuse statutes:**

566.093 Sexual misconduct, first degree 1. A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

566.095 Sexual misconduct, second degree 1. A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.

566.100 Sexual abuse in the first degree 1. A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.

566.101 Sexual abuse, second degree 1. A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.

**Domestic Violence statutes:**

565.070 Domestic assault, first degree 1. A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section [565.002](#).

565.071 Domestic assault, second degree 1. Person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section [565.002](#), and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causing serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.

565.072 Domestic assault, third degree 1. A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section [565.002](#).

**Stalking statute:**

565.225 Stalking, first degree 1. As used in this section and section [565.227](#), the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed. 2. A person

commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section [276.606](#) kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section [276.606](#) kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections [589.660 to 589.681](#), and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.

565.227 Stalking, second degree 1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person. 2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law. 3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

There is currently no Missouri Statute governing Dating Violence.

## **Missouri Attorney General**

### **VICTIMS' GENERAL RIGHTS**

Here are crime victims' general rights in Missouri:

- To be present at all criminal proceedings where the defendant has that right, even if the victim is called to testify or may be called to testify as a witness in the case
- .To confer with the prosecutor regarding bail hearings, guilty pleas, pleadings of insanity, hearings, sentencing and probation revocation hearings.
- To be present at any hearing in which the defendant is present before a probation and parole hearing officer and to full participation in all phases of parole hearings or probation revocation hearings.
- To be heard at juvenile probation revocation hearings, probation revocation and parole hearings initiated by the board of probation and parole, and release proceedings for persons found not guilty by reason of insanity. Victims may offer a written statement, video or audio tape in lieu of a personal appearance.
- To protection from harmful threats from a defendant, or persons acting on behalf of defendant, for activities arising out of cooperation with law enforcement officials, and the right to a secure waiting area during a court proceeding.
- To speedy disposition of cases and speedy appellate review, allowing for the defendant to prepare a defense
- .To fair employment rights (including the right of a victim, witness or member of a victim's family not to be discharged or disciplined by an employer for honoring a subpoena or for participating in the preparation of a criminal proceeding).
- To regain property from a prosecutor or law enforcement officer once it is no longer needed for evidence or retention during an appeal (within five working days upon request) unless it is contraband or subject to forfeiture proceedings.
- To creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime,

to temporarily meet financial obligations.

- To limited compensation for out-of-pocket loss and for qualified medical care necessary as a result of the crime.

## University of Missouri Definitions:

[600.020 Sexual Harassment under Title IX - for matters involving conduct alleged to have occurred on or after August 14, 2020](#) Executive Order 40, 4-8-14; Revised 6-19-14; Revised 9-22-14 by Executive Order

41. Revised 2-9-17 with an effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20.

**A. Sexual Harassment in Education.** The University is committed to affording equal employment and education opportunities to its employees and students, and to creating an environment free from discrimination and harassment. In furtherance of these commitments, both University policy and applicable state and federal law, prohibit all students, employees, volunteers and visitors at the University from engaging in sexual harassment in a University education program or activity against a person in the United States.

This policy applies to sexual harassment in any phase of the University's employment process, any phase of its admission or financial aid programs, and all other aspects of its education programs or activities. For purposes of this policy, "education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and includes any building owned or controlled by a student organization that is officially recognized by the University. This policy and CRR 600.030 do not apply to sexual harassment that happens outside the United States, even when the conduct occurs in an education program or activity of the University.

## B. Definitions

1. **Sexual Harassment.** Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
  1. **"Quid Pro Quo"** - An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
  2. **"Hostile Environment"** - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
  3. **"Sexual assault"** - Any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, as defined below:
    - (i) "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sex organ of the other person. Attempted Rape is included.
    - (ii) "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - (iii) "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
    - (iv) "Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - (v) "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.



(vi) “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.

4. **“Dating Violence”** - The term “dating violence” means violence committed by a person-- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, and (iii) The frequency of interaction between the persons involved in the relationship.
  5. **“Domestic violence”** - The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.
  6. **“Stalking”** - The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--(A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.
2. **Consent to Sexual Activity.** Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent, or withdrawal of consent may be communicated by words or non-verbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, 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. Coercion and force, or threat of either, invalidates consent.

This definition of consent is used during an alleged violation and investigation of sexual assault, sex discrimination, sexual harassment and sexual misconduct per MU Policy 600.020 –Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy. For Clery Act reporting purposes, all sexual assaults that are reported to a CSA are included in the statistics submitted to the Department of Education regardless of the issue of consent

3. **Incapacitated or incapacitation.** A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness or illness. Consent does not exist when the Respondent knew or should have known of the other individual's incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication but intoxication can cause incapacitation.

Factors to consider in determining incapacity include, but are not limited to, the following:

1. Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state)
2. Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech)



3. Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance)
4. Physical symptoms (e.g., vomiting or incontinence).

**C. Title IX Coordinators.** Duties and responsibilities of the University's Title IX Coordinators include monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications and coordination with the Title IX Processes for faculty, staff, students and other members of the University community and investigation of Formal Complaints of sexual harassment, and to respond promptly to reports of sexual harassment of which the University has actual knowledge in University education programs and activities. 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. For the purposes of this section, "actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. The following individuals serve as Title IX Coordinators and are designated to handle inquiries regarding the Anti-Discrimination policies and to serve as coordinators for purposes of Title IX compliance:

**University of Missouri-St. Louis**

Jessica Swederske  
 Acting Title IX Coordinator and Equity Officer  
 Address: One University Boulevard  
 153 JcPenney North  
 St. Louis, MO 63121  
 Telephone: 314-516-5748  
 Email: swederskej@umsl.edu

**D. Title IX Resolution Process.** The University is committed to preventing and eliminating impermissible sexual harassment in its education programs, activities and employment. To that end, the University maintains policies regarding reporting, investigation, and resolution of complaints of sexual harassment. Specifically, please see: Section 600.030 – Resolution Process for Resolving Complaints of Sexual Harassment Under Title IX

**E. Designated Officials.** The following are the officials designated by the University as those who have "authority to institute corrective measures." These officials are mandated reporters and shall report to the Title IX Coordinators any information that puts them on notice of sexual harassment or allegations of sexual harassment.

- The President of the University of Missouri System;
- The Chancellors of each University in the University of Missouri System;
- The Provosts of each University in the University of Missouri System; and
- The Chief Human Resource Officers for each University in the University of Missouri System.

Any person having inquiries concerning the application of Title IX should contact their respective UM System or University Title IX Coordinator.

**F. Reporting Sexual Harassment**

1. **Students, Employees, Volunteers, and Visitors.** Students, employees, volunteers, and visitors of the University who have experienced any form of sexual harassment are encouraged to report the incident promptly to the appropriate Title IX Coordinator listed in Section 600.020.C. above. In addition, students, volunteers, and visitors of the University who have witnessed such conduct are encouraged to report the

incident promptly to the appropriate Title IX Coordinator. The University will respond to all such reports pursuant to one of its Title IX and Equity Resolution Processes (see Sections 600.030, 600.040, 600.050).

2. **Mandated Reporters.** Any employee of the University, except as noted below, who becomes aware of sexual harassment as defined in this policy is a Mandated Reporter, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University.
3. **Employees with a Legal Obligation or Privilege of Confidentiality.** 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.
4. **Designated Confidential Employees.** Consistent with the law and upon approval from the Office of the General Counsel, Universities may also designate non-professional counselors or advocates as confidential for purposes of this policy and, therefore, excluded from the definition of Mandated Reporters.
5. **Required Reporting.** A Mandated Reporter is required to promptly report the information 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 requests confidentiality or that a report not be pursued, the Mandated Reporter should warn the Complainant that, at this stage in the process, the Mandated Reporter must report all known information to the Title IX Coordinator.
6. **Content of Mandated Report to Title IX Coordinator.** Mandated Reporters must report all details that they possess. This includes names of the Parties, if known, and all other information in the Mandated Reporter's possession.
7. **Non-compliance.** Failure to comply with this policy can result in disciplinary action. Employees also are cautioned that non-compliance with this policy may increase their risk of personal liability. Further, an individual who fails to report as required under this policy may be determined to be ineligible for defense or protection under Section 490.010 of the University's Collected Rules and Regulations for any associated claims, causes of action, liabilities or damages.

#### **G. Retaliation, False Reporting, and Witness Intimidation or Harassment.**

1. Retaliation is any adverse action taken against a person because of that person's participation or refusal to participate in the process set forth in CRR 600.030. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to notify the Title IX Coordinator. The University will promptly respond to all claims of retaliation in accordance with this policy.

Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student's academic work warrants because the student filed a report or Formal 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 report or Formal Complaint of sexual harassment.

2. False reporting is making an intentional false report or accusation in relation to this policy as opposed to a report or accusation, which, even if erroneous, is made in good faith.
3. The University prohibits attempted or actual intimidation or harassment of any potential Party or witness. No individual participating in an investigation relating to a report or Formal Complaint that a violation of this policy has occurred should, directly or through others, take any action which may interfere with the investigation.

4. For situations involving alleged retaliation, false reporting, and witness intimidation or harassment, the Title IX Coordinator will refer the matter to the appropriate University process.

H. **U.S. Department of Education—Office for Civil Rights.** Inquiries concerning the application of Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information on notice of nondiscrimination and for the address and phone number of the U.S. Department of Education office which serves your area call 1-800-421-3481.

## **Registered Sex Offenders**

The Missouri Sex Offender Registry provided by Missouri under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) concerning sex offenders can be accessed through the Missouri State Highway Patrol's website. Registered sex offenders throughout the state who volunteer, work, or are enrolled as a student at an institution of higher education are included at this website.

[MSHP Sex Offender Registry.](#)

It is important to remember that UMSL provides resources for victims of violence. Campus and Community Resources are available at:

- Title IX Coordinator & Chief Equity Officer, 153 JC Penny, 314-516-5748
- Student Affairs 314-516-5211 Residential Life 314-516-6877 (will assist with requested changes to academic and or living situations after an alleged offense)
- Safe Connections Crisis Helpline 314-531-2003
- National Domestic Violence/Dating Abuse Hotline 1-800-799-7233
- ALIVE, Alternatives to Living In Violent Environments, 314-993-2777
- National Sexual Assault Hotline, 1-800-656-4673
- St. Louis County Prosecuting Attorney, Victims Services and Restitution, 314-615-4872
- Crime Victim Advocacy Center, 314-652-3623
- Employee Assistance Program, <https://www.umsystem.edu/totalrewards/benefits/eap>

If you need confidential support, help or information regarding sex discrimination, including sexual misconduct and sexual harassment, you may contact an employee with a legal privilege of confidentiality or a confidential reporter on campus. Employees with a legal privilege of confidentiality include health care providers, counselors, lawyers, and their associated staff. Confidential reporters on campus are:

- Counselors and health care providers located in Health Services and Counseling Services, 131 Millennium Student Center, 314-516-5711. <http://www.umsystem.edu/services/counselor/>
- Counselors and mental health professionals located in the Center for Trauma Recovery, Kathy J. Weinman Bldg., Lower Level, 314-516-6738.
- Counselors and mental health professionals located in Community Psychological Service, 232 Stadler Hall, 314-516-5824.

## **Clery Reportable Offenses Defined**

The annual security report contains statistics reported by the year and geographic location for the following offenses as defined:

***Murder/Non-Negligent Manslaughter:*** The willful (non-negligent) killing of one human being by another.

***Negligent Manslaughter:*** The killing of another person through gross negligence.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim including instances where the victim is incapable of giving consent.

- a) **Rape** is the penetration, no matter how slight of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- b) **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent

**Robbery:** The taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

## **Hate Crimes**

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability. The crimes of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property are also reported under Clery Act requirements if it is determined the victim was intentionally selected because of the perpetrator's bias against the victim.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of property:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

#### **Arrest and referrals for disciplinary action**

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

#### **VAWA Offenses**

##### **As Defined by the Violence Against Women Act**

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim
- By person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or safety of others, or to suffer substantial emotional distress. For the purpose of this definition "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

## **IX Missing Student**

UMSL is committed to ensuring the safety of the members of our campus community. In keeping with this commitment UMSL-PD has established a Missing Person Policy.

If a CSA or other member of the campus community suspects that a student may be missing, they should immediately notify the UMSL-PD. UMSL PD will initiate an investigation into the person's whereabouts, and with the assistance of other campus resources ascertain as much information as possible to trace the person's actions and possible destination. There is no waiting period or time limit for a missing person investigation to be initiated. In the case of abduction from campus an alert or timely notification will be issued campus wide through software specifically developed to provide critical information to our campus community.

All registered residents of UMSL are provided opportunity to name a confidential individual to be notified within 24 hours if the resident is determined "missing." The individual information is confidential and will be accessible only to authorized University officials, including UMSL-PD and may not be disclosed, except to LLEAs to assist in the investigation of a missing person.

If the student is under the age of 18, and not an emancipated minor, UMSL-PD will contact the student's parent or guardian, in addition to any confidential contact person designated by the student, within 24 hours of the confirmed reported of missing. The UMSL Police Department is the local law enforcement agency and does not require a 24 hour waiting period to take action.

## X Clery Annual Report Data Table

| University of Missouri-St. Louis: Annual Crime Report Statistics |  |           |          |             |           |          |            |          |          |          |          |          |           |           |          |
|--|--|-----------|----------|-------------|-----------|----------|------------|----------|----------|----------|----------|----------|-----------|-----------|----------|
|  | On Campus  |           |          | Residential |           |          | Non Campus |          |          | Public   |          |          | Total     |           |          |
| Offense Type<br>Includes<br>attempts<br>Reported to<br>UMSL-PD   | Property   |           |          | Facilities  |           |          | Property   |          |          | Property |          |          |           |           |          |
|  | 2020   | 2021      | 2022     | 2020        | 2021      | 2022     | 2020       | 2021     | 2022     | 2020     | 2021     | 2022     | 2020      | 2021      | 2022     |
| Homicide   | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Negligent<br>Manslaughter  | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Rape   | 0  | 2*        | 0        | 0           | 1         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 1         | 0        |
| Fondling   | 0  | 2         | 0        | 0           | 2         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 2         | 0        |
| Incest   | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Statutory<br>Rape  | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Robbery  | 1  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 1         | 0         | 0        |
| Aggravated<br>Assault  | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Burglary   | 4  | 3         | 1        | 2           | 2         | 1        | 0          | 0        | 1        | 0        | 0        | 0        | 4         | 3         | 2        |
| Motor Vehicle<br>Theft   | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Arson  | 0  | 0         | 0        | 0           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 0        |
| Dating<br>Violence   | 0  | 1         | 2        | 0           | 1         | 1        | 0          | 0        | 0        | 0        | 0        | 0        | 0         | 0         | 2        |
| Domestic<br>Violence   | 4  | 4         | 3        | 4           | 4         | 3        | 0          | 0        | 0        | 0        | 1        | 0        | 4         | 5         | 3        |
| Stalking   | 4  | 1         | 2        | 3           | 0         | 0        | 0          | 0        | 0        | 0        | 0        | 0        | 4         | 1         | 2        |
|  |  |           |          |             |           |          |            |          |          |          |          |          |           |           |          |
| <b>Total</b>   | <b>13</b>  | <b>13</b> | <b>8</b> | <b>9</b>    | <b>10</b> | <b>5</b> | <b>0</b>   | <b>0</b> | <b>1</b> | <b>0</b> | <b>1</b> | <b>0</b> | <b>13</b> | <b>14</b> | <b>9</b> |
|  | *For 2021 Line 3 (rape) was changed due to 1 delayed report. |           |          |             |           |          |            |          |          |          |          |          |           |           |          |

The crime statistics included in this report reflect crimes reported to UMSL PD and information gathered by UMSL PD from CSAs and Local Law Enforcement Agencies (LLEA). Some of the LLEAs UMSL PD contacted did not respond to UMSL PD's request, and others could not provide the statistics as requested.

| Hate Crimes(By Prejudice)   |                    |      |      |                        |      |      |                     |      |      |                 |      |      |       |      |      |
|---|--------------------|------|------|------------------------|------|------|---------------------|------|------|-----------------|------|------|-------|------|------|
| The University of Missouri-St. Louis had no reported hate crimes for the 2020—2022 calendar year. |                    |      |      |                        |      |      |                     |      |      |                 |      |      |       |      |      |
| Crimes Reported   | On Campus Property |      |      | Residential Facilities |      |      | Non-Campus Property |      |      | Public Property |      |      | Total |      |      |
| By Type Reported to UMSL-PD   | 2020               | 2021 | 2022 | 2020                   | 2021 | 2022 | 2020                | 2021 | 2022 | 2020            | 2021 | 2022 | 2020  | 2021 | 2022 |
|   | 0                  | 0    | 0    | 0                      | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |
|   |                    |      |      |                        |      |      |                     |      |      |                 |      |      |       |      |      |
| <b>Total</b>  | 0                  | 0    | 0    | 0                      | 0    | 0    | 0                   | 0    | 0    | 0               | 0    | 0    | 0     | 0    | 0    |

| ARREST and Referrals for Campus Disciplinary Action |           |      |      |             |      |      |            |  |      |        |      |  |       |      |      |  |
|---|-----------|------|------|-------------|------|------|------------|--|------|--------|------|--|-------|------|------|--|
|   | On Campus |      |      | Residential |      |      | Non Campus |  |      | Public |      |  | Total |      |      |  |
| Offense Type Reported to UMSL-PD                    | 2020      | 2021 | 2022 |             | 2020 | 2021 | 2022       |  | 2020 | 2021   | 2022 |  | 2020  | 2021 | 2022 |  |
| Liquor Law Violations                               |           |      |      |             |      |      |            |  |      |        |      |  |       |      |      |  |
| Arrest  | 0         | 0    | 0    |             | 0    | 0    | 0          |  | 0    | 0      | 0    |  | 0     | 0    | 0    |  |
| Referral  | 2         | 0    | 0    |             | 2    | 0    | 0          |  | 0    | 0      | 0    |  | 0     | 0    | 0    |  |
| Drug Law Violations                                 |           |      |      |             |      |      |            |  |      |        |      |  |       |      |      |  |
| Arrest  | 0         | 0    | 0    |             | 0    | 0    | 0          |  | 0    | 0      | 0    |  | 0     | 0    | 0    |  |
| Referral  | 1         | 0    | 0    |             | 1    | 0    | 0          |  | 0    | 0      | 0    |  | 0     | 0    | 0    |  |
| Weapon Law Violations                               |           |      |      |             |      |      |            |  |      |        |      |  |       |      |      |  |
| Arrest  | 1         | 1    | 0    |             | 0    | 0    | 0          |  | 0    | 0      | 1    |  | 1     | 1    | 0    |  |
| Referral  | 0         | 0    | 0    |             | 0    | 0    | 0          |  | 0    | 0      | 0    |  | 0     | 0    | 0    |  |
|   |           |      |      |             |      |      |            |  |      |        |      |  |       |      |      |  |
| Total   | 4         | 1    | 0    |             | 3    | 0    | 0          |  | 0    | 0      | 1    |  | 4     | 1    | 1    |  |
|   |           |      |      |             |      |      |            |  |      |        |      |  |       |      |      |  |



**Separate Campus**  
Flushing Meadows

| University of Missouri-St. Louis Computer Education and Training Center |           |          |          |          |          |          |          |          |          |
|---|-----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Crimes Reported To  | On Campus |          |          | Public   |          |          | Total    |          |          |
| UMSL-PD   | Property  |          |          | Property |          |          |          |          |          |
| (by type-Includes attempts)   | 2020      | 2021     | 2022     | 2020     | 2021     | 2022     | 2020     | 2021     | 2022     |
| Homicide  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Negligent Manslaughter  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Rape  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Fondling  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Incest  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Statutory Rape  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Robbery   | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Aggravated Assault  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Burglary  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Motor Vehicle Theft   | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Arson   | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Dating Violence   | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Domestic Violence   | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Stalking  | 0         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
|   |           |          |          |          |          |          |          |          |          |
| <b>Total</b>  | <b>0</b>  | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

The University of Missouri-St. Louis Computer Education and Training Center had no reported hate crimes for the 2020-2022 calendar years.

## XI Fire Safety Statistics

The federal Higher Education Act requires institutions with On-Campus Student Housing Facilities to publish an annual fire safety report that contains fire safety policies and fire statistics for its On-Campus Student Housing Facilities.

UMSL's fire safety report is combined with its ASR and identified as the "Campus Crime Act and Fire Safety Report." UMSL's fire safety report reflects the fire safety statics for reported fires in On-Campus Student Housing Facilities for the three previous calendar years. The statistics include number of fires, causes of each fire, number of persons with fire-related injuries for each fire, number of fire-related deaths for each fire, and the value of property damage caused by each fire. The fire safety report is distributed to all currently enrolled students and all employees, and it also is available to prospective students and employees upon request. To obtain a copy of the fire safety report, contact UMSL PD at its office on the North Campus during normal business hours, by calling 314-516-5155, or by going online at <http://safety.umsl.edu/police/annual-campus-safety-and-security-report/index.html>

UMSL's fire safety report contains the fire safety statics for reported fires in On-Campus Student Housing Facilities for the three most recent calendar years. The statistics include the number of fires at each On-Campus Student Housing Facility, the cause of each fire, the number of persons with fire-related injuries, the number of fire-related deaths, and the amount of property damage. The statistics reflect fires that were reported to UMSL PD directly or by CSAs to UMSL PD. Students and employees should report fires immediately to UMSL PD or a Residential Advisor (RA).

UMSL's fire safety report also contains a description of each On-Campus Student Housing Facility's fire safety system and the number of fire drills held during the calendar year, and the current fire safety-related policies and procedures for those facilities. These policies include:

**Fire reporting.** Fires in On-Campus Student Housing Facilities should be reported immediately to a Residential Advisor (RA) or UMSL PD. Students and employees may also report fires to UMSL PD for purposes of including the fire in the statistics in UMSL's annual fire safety report. Students and employees can learn more information about UMSL's fire safety procedures at <http://safety.umsi.edu/police/emergency/fire.html>. UMSL has no formal fire safety training or education programs.

### **Fire safety procedures.**

UMSL PD Explosion/Fire Emergency Response Procedure. In case of fire:

- Distance yourself and others from the threat immediately. If possible, activate the nearest fire alarm.
- Call 314-516-5155 or 911.
- Close any doors that may help contain the fire.
- Warn other building occupants of the danger. Begin evacuation of the building by activating the Building Emergency Plan. BEST Team members should move occupants toward a pre-designated assembly point.
- Do NOT use elevators during evacuations. If someone is believed to be confined in an elevator, call Campus Police at 314-516-5155.
- Follow the instructions of the emergency response personnel.

### UMSL Residential Life and Housing Safety Protocol and Procedures.

No matter how small the fire, or even if it is extinguished, report it to your RA. Appropriate action will be taken. In the event the fire alarm sounds, leave the building immediately via the nearest stairway exit. If possible, before you leave the room: turn on the lights, open the drapes, close windows and lock the door. Also remember to wear shoes and carry a towel to place over your nose if smoke is present. If you should happen to be away from your room when the alarm sounds, do not return to your room, but leave the building via the nearest exit. Fire alarms and smoke detection equipment are located throughout each floor for your safety. If the alarm sounds, evacuate the building in the safest way possible using the nearest exit. Do not return until instructed to do so.

There is a smoke detector in every student room. Do not tamper with or disconnect this safety apparatus. Report any malfunction to the Office of Residential Life and Housing at 314-516-6877. Students who tamper with smoke detectors and/or fire prevention equipment are subject to a \$200 fine and/or disciplinary action, and/or criminal action, and/or a combination of the remedies listed.

If you should spot a fire anywhere in the building:

- Activate the building fire alarm system closest to you.
- If it is possible (WITHOUT ENDANGERING YOURSELF) notify an RA
- If possible, grab keys and ID card before leaving the building
- Evacuate the building immediately by using the stairs and not the elevator.

**Smoking.** UMSL is a tobacco-free campus, and all On-Campus Student Housing Facilities are smoke-free. Smoking is not permitted within the buildings, including student rooms and balconies. Smoking includes cigarettes, electronic cigarettes, vaporizers, and hookahs. Residents of the Mansion Hill apartments are permitted to smoke outdoors, but never inside the apartment. Otherwise students wishing to smoke must do so off campus.

**Open flames.** UMSL prohibits open flames, candles, and incense in its On-Campus Student Housing Facilities. This includes Scentsys and other candle warmers

**Portable electrical appliances.** UMSL's On-Campus Student Housing Facilities have differing policies regarding portable electrical appliances.

- Oak, Villa, and Villa North Halls. Halogen and lava lamps and space heaters are prohibited in Oak, Villa, and Villa North Halls. No appliances with open or contained heating coils are permitted in Oak Hall. Residents in Villa and Villa North are permitted to have coffee pots, crock pots, toasters and George Foreman grills for use in their community kitchens. These items may be stored in the resident's room, but are only allowed to be used in the community kitchen. If an appliance is suspected or found in use in a resident's room, the appliance will be confiscated. Single cup coffee brewers are allowed for use in Oak, Villa, and Villa North Halls.
- Mansion Hill. Space heaters are prohibited in the apartments.
- University Meadows. No halogen lamps, hot plates, or other appliances with open, exposed heating elements are permitted in the apartments.

Please see the following link for more information regarding fire safety-related policies and procedures for UMSL's On-Campus Student Housing Facilities <https://www.umsl.edu/services/reslife/CurrentResidents/index.html>

## **XII Fire Safety Log**

The Higher Education Act also requires UMSL to maintain a written easily understood fire log that records any fires that occur in an On-Campus Student Housing Facility, UMSL's fire log is maintained by UMSL PD. The fire log is combined with UMSL's daily crime log, which is also required by the Clery Act, and is identified as the "Daily Incident/Fire Log." The Daily Incident/Fire Log is available for review 24 hours a day at <http://safety.umsl.edu/police/annual-campus-safety-and-security-report/daily-log.html> or a printed copy is available during normal business hours at UMSL PD's office on the North Campus. Fires are entered into the Daily Incident/Fire Log based on the date they were reported, not the date when they occurred. The log also provides the nature of the fire, the date and time of the fire, and general location of the fire.

UNIVERSITY MEADOWS 2022  
FIRE DETECTION/PROTECTION/ALARM EQUIPMENT CHECKLIST

| <i>EQUIPMENT</i>            | <i>YES/NO</i> | <i>LOCATION(S)</i>                        |
|-----------------------------|---------------|---|
| Fire Extinguishers          | Yes           | All units (in kitchen); five in Clubhouse |
| Class A                     | No            | N/A                                       |
| Class B                     | No            | N/A                                       |
| Class C                     | No            | N/A                                       |
| Class ABC                   | Yes           | All units (in kitchen); five in Clubhouse |
| Automatic Sprinklers        | Yes           | All units                                 |
| Fire Pump                   | No            | N/A                                       |
| Smoke Detectors             | Yes           | All units and in Clubhouse                |
| Heat Detectors              | No            | N/A                                       |
| Fire Alarm (Main Panel)     | Yes           | Clubhouse                                 |
| Fire Alarm (Pull Stations)  | Yes           | At the bottom of stairs on all buildings  |
| Fire Alarm Monitoring       | Yes           | Off-site service; Central District Alarm  |
| Standpipes                  | Yes           | All buildings, (nine total)               |
| Hose Stations               | Yes           | All buildings, (nine total)               |
| FD Connectors (Siamese)     | Yes           | All buildings, (nine total)               |
| Emergency Lighting          | Yes           | All buildings, (on all floors)            |
| Emergency Generator         | No            | N/A                                       |
| Lighted Exit Signs          | Yes           | In Clubhouse office                       |
| Fire Doors                  | No            | N/A                                       |
| Evacuation Plans            | Yes           | In Clubhouse office                       |
| No. of Fire Drills Annually | 2             | N/A                                       |
|                             |               |   |

**Fire Safety Amenities in University of Missouri-St. Louis Residential Facilities 2022**

| <b>Residential Facilities</b> | <b>Fire Alarm Monitoring</b> | <b>Sprinkler System</b> | <b>Smoke Detection</b> | <b>Fire Extinguisher Device</b> | <b>Evacuation Plans</b> | <b>Number of Evacuation (fire) Drills per year</b> |
|-------------------------------|------------------------------|-------------------------|------------------------|---------------------------------|-------------------------|--|
| Mansion Hill Condo            | no                           | no                      | yes                    | yes                             | yes                     | 2  |
| Oak Hall                      | yes                          | yes                     | yes                    | yes                             | yes                     | 2  |
| Villa Hall                    | yes                          | yes                     | yes                    | yes                             | yes                     | 0  |
| Villa North Hall              | yes                          | yes                     | yes                    | yes                             | yes                     | 0  |
|                               |                              |                         |                        |                                 |                         |  |

### 2022 Statistics and information regarding fires in University of Missouri-St. Louis Residential Facilities

| Residential Facilities | Total Fires | Fire Number | Date       | Time  | Cause of Fire | Number of Injuries that Required Treatment in a medical Facility | Number of Deaths Related to Fire | Value of Property Damage Caused by Fire |
|------------------------|-------------|-------------|------------|-------|---------------|--|----------------------------------|---|
| Mansion Hill Condo     | 1           | 1           | 01/24/2022 | 00:57 | Dumpster Fire | 0  | 0                                | \$100-\$999                             |
| Oak Hall               | 0           | 0           |            |       |               | 0  | 0                                | \$0-99                                  |
| University Meadows     | 2           | 1           | 04/12/2022 | 22:48 | Cooking       | 0  | 0                                | \$0-\$99                                |
|                        |             | 2           | 07/12/2022 | 00:29 | Electrical    | 0  | 0                                | \$100-\$999                             |
| Villa Hall             | 0           |             |            |       |               |  |                                  |   |
| Villa North Hall       | 0           |             |            |       |               |  |                                  |   |

### 2021 Statistics and information regarding fires in University of Missouri-St. Louis Residential Facilities

| Residential Facilities | Total Fires | Fire Number | Date       | Time | Cause of Fire | Number of Injuries that Required Treatment in a medical Facility | Number of Deaths Related to Fire | Value of Property Damage Caused by Fire |
|------------------------|-------------|-------------|------------|------|---------------|--|----------------------------------|---|
| Mansion Hill Condo     | 3           | 1           | 04/19/2021 | 1612 | Electrical    | 0  | 0                                | \$100-\$999                             |
|                        |             | 2           | 08/16/2021 | 0842 | Cooking       | 0  | 0                                | \$100-\$999                             |
|                        |             | 3           | 08/24/2021 | 1717 | Cooking       | 0  | 0                                | \$1,000-9,999                           |
| Oak Hall               | 0           | 0           | 0          | 0    | 0             | 0  | 0                                | 0                                       |
| University Meadows     | 0           | 0           | 0          | 0    | 0             | 0  | 0                                | 0                                       |
| Villa Hall             | 0           | 0           | 0          | 0    | 0             | 0  | 0                                | 0                                       |
| Villa North Hall       | 0           | 0           | 0          | 0    | 0             | 0  | 0                                | 0                                       |

### 2020 Statistics and information regarding fires in University of Missouri-St. Louis Residential Facilities

| Residential Facilities | Total Fires | Fire Number | Date | Time | Cause of Fire | Number of Injuries that Required Treatment in a medical Facility | Number of Deaths Related to Fire | Value of Property Damage Caused by Fire |
|------------------------|-------------|-------------|------|------|---------------|--|----------------------------------|---|
| Mansion Hill Condo     | 0           | 0           | 0    | 0    | 0             | 0  | 0                                | 0                                       |
| Oak Hall               | 0           | 0           | 0    | 0    | 0             | 0  | 0                                | 0                                       |
| University Meadows     | 0           | 0           | 0    | 0    | 0             | 0  | 0                                | 0                                       |
| Villa Hall             | 0           | 0           | 0    | 0    | 0             | 0  | 0                                | 0                                       |
| Villa North Hall       | 0           | 0           | 0    | 0    | 0             | 0  | 0                                | 0                                       |

We appreciate your attention to campus safety and hope this publication was helpful and informative. If you have any questions please, feel free to email the Clery Coordinator at: [CleryCoordinator@umsl.edu](mailto:CleryCoordinator@umsl.edu) or contact Captain Marisa Smith, Campus Clery Coordinator, 314-516-5148

## What to do in an emergency

### ■ Severe Weather/Natural Emergencies



#### Tornado

- Take shelter in safe areas of your building
- Exit gymnasiums and lecture halls, avoid glass doors and windows
- If necessary, sit or kneel on the floor under heavy furniture or against an interior wall with your hands on your head
- Do not leave your place of safety until the storm passes or you are instructed to do so
- Be prepared to change location if directed by the Building Emergency & Safety Team (BEST) Evacuation Team member or other authorities



#### Earthquake

- Drop to the floor, take cover under sturdy furniture or brace yourself in an interior door or hallway - hold on until shaking stops
- Cover your head with your arms
- Avoid glass or objects such as light fixtures or furniture that could fall
- Stay inside until after the shaking stops then pursue the safest evacuation route
- Be prepared to change location if directed by the BEST Evacuation Team or other authorities
- Do not enter buildings that are damaged

### ■ Fire/Explosion/Hazardous Material Release



- Activate the nearest fire alarm
- Evacuate the building immediately and close doors behind you
- Call Campus Police
- Do not return to the building unless you are instructed by someone in authority
- Assist or report any persons who need help evacuating
- Be prepared to change location if directed by the BEST Evacuation Team or other authorities

### ■ Suspicious/Criminal Activity



#### General

- Immediately call Campus Police
- Describe the event, location and the person(s) involved
- Do not approach or confront the person(s)



#### Shooter/Violence

- If you hear gunfire, leave the building and call Campus Police
- If you cannot leave, lock or barricade yourself in the nearest room - hide and be quiet
- If a violent person threatens you in your hiding area, take actions to save your life
- Follow the ALICE training used on campus (Alert/Lockdown/Inform/Counter/Evacuate-Pro-active response options in the event of an active shooter incident)

### ■ Medical Incidents



- Immediately call Campus Police
- Only move the patient (an injured/ill person) if the current location places them in danger
- Stay with patient until help arrives
- Stay on phone with dispatcher until medical personnel arrive

### ■ Elevator Malfunction/Utility Failure



#### Elevator Malfunction

- If confined inside the elevator, use the emergency telephone and activate the elevator emergency bell
- If you are outside the elevator and hear the elevator emergency bell, call Campus Police
- Police dispatcher will send appropriate assistance



#### Utility Failure (electric, gas, water)

- Call Campus Police
- During short interruptions, remain in place unless notified to leave
- During prolonged utility failure, exit corridors and stairs while temporary emergency lights are on

### ■ Call Campus Police



- Call 314-516-5155 (pre-program/speed dial in your phone)
- Use Red Phones located inside buildings
- Use Blue Light Emergency Phones located outside of buildings throughout campus

### ■ Emergency Notification



#### To assure that you are notified in an emergency, verify your contact information is current:

- Students should go to [myview.umsd.edu](http://myview.umsd.edu) and employees should go to [myhr.umsystem.edu](http://myhr.umsystem.edu)
- Sign in, click on "Personal Information", click "UM Emergency Information"
- Enter all phone numbers and e-mail addresses where you wish information to be sent

### ■ ADA Assistance



- Students are encouraged to self-identify their special needs and develop a plan with University Disability Access Services
- You have the right to make your own decisions about your life-safety evacuation assistance.
- If assistance is needed during an emergency, call or ask someone to call the Campus Police.



Campus Police-call 314-516-5155