UNIVERSITY OF MISSOURI
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BOARD OF CURATORS

Minutes of the Board of Curators Meeting
June 19-20, 2014
Reynolds Alumni Center, University of Missouri
Columbia, Missouri

BOARD OF CURATORS MEETING – PUBLIC SESSION

A meeting of the University of Missouri Board of Curators was convened in public session at 11:30 A.M., on Thursday, June 19, 2014, in Columns Room 208 C, D & E of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Tracy H. Mulderig, Student Representative to the Board of Curators
Dr. Henry "Hank" Foley, Executive Vice President of Academic Affairs
Dr. R. Bowen Loftin, Chancellor for University of Missouri-Columbia
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Dr. Robert W. Schwartz, Chief of Staff
Mr. John Fougere, Chief Communications Officer, UM System
Media representatives

General Business

Review of Consent Agenda – No discussion.

Resolution for Executive Session of the Board of Curators Meeting

It was moved by Curator Goode and seconded by Curator Cupps, that there shall be an executive session with a closed record and closed vote of the Board of Curators meeting June 19-20, 2014 for consideration of:

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

Roll call vote:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Board of Curators Academic, Student and External Affairs and Compensation and Human Resources committee meetings were convened beginning at 11:35 A.M. and recessed at 11:43 A.M. on Thursday, June 19, 2014.

The public session of the Board of Curators meeting recessed at 11:45 A.M. on Thursday, June 19, 2014.

EXECUTIVE SESSION

A meeting of the University of Missouri Board of Curators was convened in executive session at 11:47 A.M., on Thursday, June 19, 2014, in the Donrey Media Room of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Dr. Henry "Hank" Foley, Executive Vice President of Academic Affairs
Dr. Betsy Rodriguez, Vice President for Human Resources

Compensation and Human Resources and Academic, Student and External Affairs Combined Committee Meeting – Executive Session

Report on personnel and contracts in addition to legal advice – presented by General Counsel Owens and Assistant Vice President Deborah Noble-Triplett.

No action taken by the Board.

The executive session of the Compensation and Human Resources and Academic, Student and External Affairs Combined Committee meeting recessed at 1:40 P.M.

General Business

President's report on personnel – presented by President Wolfe.

No action taken by the Board.

PUBLIC SESSION

A meeting of the University of Missouri Board of Curators was reconvened in public session at 1:45 P.M., on Thursday, June 10, 2014, in Columns Room 208 C, D & E of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Tracy H. Mulderig, Student Representative to the Board of Curators
Dr. Gary Allen, Vice President for Information Technology
Dr. Henry "Hank" Foley, Executive Vice President of Academic Affairs
Dr. Thomas F. George, Chancellor for University of Missouri – St. Louis
Dr. R. Bowen Loftin, Chancellor for University of Missouri-Columbia
Mr. Leo E. Morton, Chancellor for University of Missouri – Kansas City
Mr. Tom Richards, Treasurer and Interim Vice President of Finance
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Dr. Robert W. Schwartz, Chief of Staff
Mr. John Fougere, Chief Communications Officer, UM System
Media representatives

General Business

Board of Curators standing committee meetings were convened at 1:45 P.M. and concluded at 4:40 P.M. on Thursday, June 19, 2014. Committee actions were presented to the full Board for action following each Committee vote.

Combined Academic, Student and External Affairs and Compensation and Human Resources Committee

Curators Phillips and Steward provided time for discussion of combined committee business.

Information

1. Sexual Assault and Mental Health Task Force Update (slides on file)

Action

1. Amendments to the University's Title IX and Related Policies
2. Temporary Delegation of Authority to the President Regarding Mental Health and Sexual Assault Issues

Amendments to the University's Title IX and Related Policies

It was recommended by the Mental Health and Sexual Assault Task Force, endorsed by President Wolfe, moved by Curator Phillips and seconded by Curator Goode, that the following action be approved:

The University's Title IX and related policies, including Collected Rules and Regulations 200.010, 200.020, 330.060, 330.062 and 330.065, be amended, as set forth in the attached amended rules (and as on file with the minutes of this meeting).

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.

Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Collected Rules and Regulations 200.010
Standard of Conduct
Chapter 200: Student Conduct

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

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

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

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

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

1. **Academic dishonesty,** such as cheating, plagiarism, or sabotage. The Board of Curators recognizes that academic honesty is essential for the intellectual

life of the University. Faculty members have a special obligation to expect high standards of academic honesty in all student work. Students have a special obligation to adhere to such standards. In all cases of academic dishonesty, the instructor shall make an academic judgment about the student's grade on that work and in that course. The instructor shall report the alleged academic dishonesty to the Primary Administrative Officer.

a. The term **cheating** includes but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests, or examinations; (ii) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) acquisition or possession without permission of tests or other academic material belonging to a member of the University faculty or staff; or (iv) knowingly providing any unauthorized assistance to another student on quizzes, tests, or examinations.
b. The term **plagiarism** includes, but is not limited to: (i) use by paraphrase or direct quotation of the published or unpublished work of another person without fully and properly crediting the author with footnotes, citations or bibliographical reference; (ii) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; or (iii) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.

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

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

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

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

5. **Sexual Misconduct** including but not limited to nonconsensual sexual intercourse; nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing; or exposing one's genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; sexual exploitation; or sexual harassment, as defined in Section 330.060 of the Collected Rules and Regulations. For purposes of this policy, the term nonconsensual includes, without limitation, circumstances in which the alleged victim was incapacitated by alcohol, drugs or other circumstances and, therefore, incapable of consenting.

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

7. **Harassment,** outside the scope of sexual harassment defined in Section 200.010B.5 above, by engaging in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

8. **Invasion of privacy** by photographing or recording (using electronic or other means) another person in a state of full or partial nudity in a place where one would have a reasonable expectation of privacy without that person's consent, and distributing or transmitting one or more such images, photographs or recordings without that person's consent.

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

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

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

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

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

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

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

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

    a. Actual or attempted theft or other abuse.

    b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.

    c. Unauthorized transfer of a file.

    d. Unauthorized use of another individual's identification and password.

    e. Use of computing facilities to interfere with the work of another student, faculty member, or University official.

    f. Use of computing facilities to interfere with normal operation of the University computing system.

    g. Knowingly causing a computer virus to become installed in a computer system or file.

Collected Rules and Regulations 200.020
Rules of Procedures in Student Conduct Matters
Chapter 200: Student Conduct

Bd. Min. 11-8-68, Amended Bd. Min. 3-20-81; Bd. Min. 12-8-89, Amended 5-19-94; Bd. Min. 5-24-01; Amended Bd. Min 7-27-12; Amended Bd. Min 6-19-14.

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

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

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

2. **Student Panel**. A panel of students appointed by the Chancellor, from which shall be selected by the Chair, upon the request of an accused student before the Student Conduct Committee, not more than three students to serve with the Student Conduct Committee.

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

4. **Student Conduct Committee**. As used in these procedures, "Student Conduct Committee," hereinafter referred to as the Committee, is that body on each

campus which is authorized to conduct hearings and to make dispositions under these procedures or a Hearing Panel of such body as herein defined.

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

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

C**.** **Sanctions**.

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

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

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

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

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

E. **Policy and Procedures.**

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

2. **Informal Dispositions.** The Primary Administrative Officer/Designee(s) shall have the authority to make a determination and to impose appropriate sanctions and shall fix a reasonable time within which the student shall accept or reject a proposed informal disposition. A failure of the student either to accept or reject within the time fixed may be deemed by the University to be an acceptance of the determination, provided the student has received written notice of the proposed determination and the result of the student's failure to formally reject and, in such event, the proposed disposition shall become final upon expiration of such time. If the student

rejects informal disposition it must be in writing and shall be forwarded to the Committee. The Primary Administrative Officer/Designee(s) may refer cases to the Committee without first offering informal disposition.

3. **Formal Procedure and Disposition.**

   a. **Student Conduct Committee:**
      1) The Committee shall be appointed by the Vice Chancellor for Student Affairs and shall have the authority to impose appropriate sanctions upon any accused student or students appearing before it.
      2) When deemed appropriate or convenient by the Chair of the Committee, the Chair may divide the Committee into Hearing Panels each consisting of no less than five (5) Committee members of which no more than two (2) shall be students. If the Chair creates such Hearing Panels, the Chair of the Committee shall designate a Hearing Panel Chair. A Hearing Panel has the authority of the whole Committee in those cases assigned to it. The Chair of the Committee or a Hearing Panel Chair shall count as one member of the Committee or Hearing Panel and have the same rights as other members.
      3) The Vice Chancellor for Student Affairs shall appoint a panel of students, to be known as the Student Panel. Upon written request of an accused student before the Committee or, in cases involving allegations of sexual misconduct or other misconduct alleged to constitute sex discrimination, upon the written request of the complainant, made at least seventy-two (72) hours prior to the hearing, the Chair of the Committee shall appoint from the Student Panel not more than three students to sit with the Committee or the Hearing Panel Chair shall appoint two students to sit with the Hearing Panel for that particular case. When students from the Student Panel serve as members of the Committee or as members of the Hearing Panel, they shall have the same rights as other members of the Committee or Hearing Panel.

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

Officer/Designee(s), but the same attorney from the Office of the General Counsel shall not perform both roles with regard to the same case.

c. **Notice.** The Primary Administrative Officer/Designee(s) shall initiate student conduct proceedings by arranging with the Chair to call a meeting of the Committee and by giving written notice by certified mail or personal delivery, with a copy of said notice sent by email to the student's official university email address, to the student accused of misconduct and, in cases involving alleged sexual misconduct or other misconduct alleged to constitute sex discrimination, to the complainant. The notice shall set forth the date, time, and place of the alleged violation and the date, time, and place of the hearing before the Committee. Notice by certified mail may be addressed to the last address currently on record with the University. Failure by the student to have a current correct local address on record with the University shall not be construed to invalidate such notice. The notice shall be given at least seven (7) consecutive days prior to the hearing, unless a shorter time be fixed by the Chair for good cause. Any request for continuance shall be made in writing to the Chair, who shall have the authority to continue the hearing if the request is timely and made for good cause. The Chair shall notify the Primary Administrative Officer/Designee(s) and the accused student, as well as the complainant if the charge involves an allegation of sexual misconduct or other misconduct alleged to constitute sex discrimination, of the new date for the hearing. If the student fails to appear at the scheduled time, the Committee may hear and determine the matter.

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

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

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

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

   a. When an accused student is expelled, dismissed, or suspended from the University by the Committee, the Primary Administrative Officer/Designee(s), the accused student or the complainant, in the case of any alleged sexual misconduct or other misconduct alleged to constitute sex discrimination, may appeal such decision to the Chancellor or Designee by filing written notice of appeal stating the grounds or reasons for appeal in detail with the Chancellor within ten (10) calendar days after notification of the decision of the Committee. A copy of the Notice of Appeal will contemporaneously be given by the accused student to the Primary Administrative Officer/Designee(s) and complainant or by the Primary Administrative Officer/Designee(s) to the accused student and complainant, or by the complainant to the accused student and Primary Administrative Officer/Designee(s). The appealing party may file a written memorandum for consideration by the Chancellor with the Notice of Appeal, and the Chancellor may request a reply to such memorandum by the appropriate party.
   b. The Chancellor or Designee shall review the record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings and shall notify each party in writing of the decision on the appeal. The action of the Chancellor shall be final unless it is to remand the matter for further proceedings.

6. **Status During Appeal.** In cases of suspension, dismissal, or expulsion where a Notice of Appeal is filed within the required time, a student may petition the Chancellor in writing for permission to attend classes pending final determination of appeal. The Chancellor may permit a student to continue in school under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. In such event, however, any final sanctions imposed shall be effective from the date of the action of the Committee.

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

F. **Hearing Procedures.**

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

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

   a. **Opening Statements.**

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

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

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

d. **Complainant's Evidence** (in cases of alleged sexual misconduct or any other misconduct alleged to constitute sex discrimination)
   1) If the complainant has not elected to make a statement earlier under a(2) above, the complainant shall have the opportunity to make a statement to the Committee about the charge.

2) The complainant may present evidence through witnesses or in the form of written memoranda.
3) The Committee may question the complainant or witnesses at any time. The accused may question witnesses; provided, however, that questions by the accused for the complainant will be made through the Chair.

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

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

abide by the ruling of the Chair of the Committee on any procedural question or request of the Chair for order.

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

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

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

4. **Official Report of Findings and Determinations.** The Committee shall promptly consider the case on the merits and make its findings and determination and transmit them to the Primary Administrative Officer/Designee(s) and the accused student, as well as the complainant if

the charge involves an allegation of sexual misconduct or other misconduct alleged to constitute sex discrimination, forthwith.

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

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

8. **Allegations of Sexual Misconduct and Allegations of Other Misconduct Constituting Sex Discrimination.** In such cases:
    a. The accused student and the complainant are entitled to have an adviser or counselor present during his or her participation in the hearing.
    b. The accused student and the complainant shall be informed of the outcome of any campus disciplinary proceeding brought alleging sexual misconduct or allegations of other misconduct alleged to

constitute sex discrimination. Such notice shall be provided to the complainant without undue delay.

c. If the accused student is provided with access to information to be used during the proceeding in advance of the proceeding, then the complainant shall also be entitled to receive the same information in advance of the proceeding.

Collected Rules and Regulations 330.060
Sexual Harassment
Chapter 330: Employee Conduct

Executive Order No. 20, 3-17-81 (Rev. 7-1-81 and 9-20-83), Bd. Min. 3-18-93, Bd. Min. 6-19-14.

This University of Missouri policy aims for an increased awareness regarding sexual harassment by making available information, education and guidance on the subject for the University community.

A. **Policy Statement** – It is the policy of the University of Missouri to prohibit all sex-based discrimination and harassment in all educational programs and activities. The University of Missouri strives to comply with applicable state and federal laws including, without limitation, Title IX of the Education Amendments of 1972 which states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except as permitted by Title IX of the Education Amendments of 1972, as amended" (hereafter "Title IX"). The University of Missouri is also committed to providing a positive discrimination-free environment and sexual harassment or sex discrimination in the work place or the educational environment is unacceptable conduct. Sexual harassment is subject to discipline, up to and including separation from the institution.

B. **Definition** -- Sexual harassment is defined for this policy as either:

1. Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
2. Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
    a. Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
    b. The purpose or effect of such conduct is to interfere unreasonably with the work or academic performance of the person being harassed; or
    c. The purpose or effect of such conduct to a reasonable person is, to create an intimidating, hostile, or offensive environment.

C. **Non-Retaliation** -- This policy also prohibits retaliation or other discrimination because a person has made an accusation of sex discrimination or sexual harassment or because a person assists with the investigation or resolution of an accusation of sex discrimination or sexual harassment. Notwithstanding this provision, the University may discipline an employee or student who has been determined to have brought an accusation of sexual harassment in bad faith. Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student's academic work warrants because she filed a complaint of sexual harassment; giving lower than justified performance appraisals because a person was a witness in an investigation of alleged sexual harassment; and threatening to spread false information about a person for filing a complaint of sexual harassment.

D. **Redress Procedures** -- Members of the University community who believe they have been sexually harassed may seek redress, using the following options:

1. Pursue appropriate informal resolution procedures as defined by the individual campuses. These procedures are available from the campus Title IX Coordinator.
2. Initiate a complaint or grievance within the period of time prescribed by the applicable grievance procedure. Faculty are referred to Section 370.010, "Academic Grievance Procedures"; staff to Section 380.010, "Grievance Procedure for Administrative, Service and Support Staff" and students to Section 390.010, "Discrimination Grievance Procedure for Students".
3. File a formal complaint with the campus Title IX Coordinator. Any allegation of sexual harassment will be investigated promptly and equitably in accordance with applicable procedures delineated in Section 330.062 of the Collected Rules and Regulations. Such investigation and response will be targeted to end substantiated harassment/discrimination, remedy its effects and prevent its recurrence. Pursuing a complaint or informal resolution procedure does not compromise one's rights to initiate a grievance or seek redress under state or federal laws.

E. **Discipline** -- Upon receiving an accusation of sexual harassment, the University will investigate and, if substantiated, will initiate the appropriate disciplinary procedures if the accused is a member of the faculty, staff, student body or another person over whom the University has control (e.g.: agent of the University). There is a five year limitation period from the date of occurrence for filing a charge that may lead to discipline.

A complainant who makes an accusation of sexual harassment will be informed:

1. at the close of the investigation, whether or not disciplinary procedures will be initiated; and

2. at the end of any disciplinary procedures, of the discipline imposed, if any, that pertains to the individual's allegation.

Collected Rules and Regulations 330.062
Title IX Policy and Procedures – Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education
Chapter 330: Employee Conduct

(Replaces 330.062 and is placed so that it clearly applies to students and employees)

Board Minutes 6-19-14.

Title IX Policy and Procedures – Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education

The policy set forth in this rule is intended to supplement the existing policies of the University of Missouri System and its respective campuses, as those policies relate to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sections 1881 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106. In all informal or formal procedures involving allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct, regardless of any language found within the applicable procedural rules, the following shall apply:

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

Sex discrimination is prohibited by University policy and law in educational programs, activities and employment. Title IX applies to all students, employees, volunteers and visitors at the University and prohibits unequal treatment on the basis of sex as well as sexual harassment and sexual misconduct, which are both forms of sex discrimination. Additionally, there is a specific application of Title IX in athletic programs to ensure gender equity and that women and men have equitable access to sports opportunities.

B. Statement of Nondiscrimination – As stated in its applicable rules and policies, the University of Missouri does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or status as a protected veteran. The University affirms its commitment to providing equal opportunities by establishing the Equal Opportunity Policy statement in Section 320.010 of the Collected Rules and Regulations. The University's nondiscrimination policies apply to any phase of its employment process, any

phase of its admission or financial aid programs, or other aspects of its educational programs or activities. Additionally, this policy and the existing Title IX policies apply to allegations of sexual misconduct or allegations of other misconduct alleged to constitute sex discrimination, as defined in Section C below, all of which are forms of sex discrimination, occurring within the University's educational programs and activities and instances occurring in other settings if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the University's educational programs and activities. Notices of nondiscrimination are posted on the websites and at other locations for the UM System and each of the campuses.

C. Definitions

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

2. **Sexual Harassment –** Sexual harassment is a subset of sex discrimination and is therefore prohibited. Sexual harassment is defined as either:

   (a) Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
   (b) Other unwelcome verbal or physical conduct of a sexual nature by a person to another when:
      (1) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
      (2) The purpose or effect of such conduct is to interfere unreasonably with the work or academic performance of the person being harassed; or
      (3) The purpose or effect of such conduct to a reasonable person is, to create an intimidating, hostile, or offensive environment.

   The term "hostile environment" means that the sexual harassment must be sufficiently severe or pervasive and objectively offensive to alter the terms and conditions of the Complainant's educational or work environment.

3. **Sexual Misconduct –** Sexual misconduct is a subset of sexual harassment and is thus also prohibited as a kind of sex discrimination. Sexual misconduct is including but not limited to nonconsensual sexual intercourse; nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of

another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing; or exposing one's genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; or sexual exploitation. The term nonconsensual includes, without limitations, circumstances in which the alleged victim was incapacitated by alcohol, drugs or other circumstances and, therefore, incapable of consenting.

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

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

5. **Consent to Sexual Activity**-Consent to sexual activity is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engaged in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.
6. **Incapacitated**- An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.

D. Title IX Coordinators

Duties and responsibilities of the University's Title IX Coordinators include monitoring and oversight of overall implementation of Title IX Compliance at the

University, including coordination of training, education, communications, and coordination with grievance procedures for faculty, staff, students and other members of the University community.

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

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

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

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

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

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

E. Reporting Sexual Harassment including Sexual Misconduct

1. **Students, Employees, Volunteers and Visitors** – Students, Employees, Volunteers and Visitors of the University who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, are encouraged to report the incident promptly to the appropriate Title IX Coordinator listed in Section D above. For questions regarding confidentiality or requests that the complaint not be pursued, see Section F. below.

2. **Mandated Reporters –** Any employee of the University who becomes aware of an act of sexual harassment (including sexual misconduct) or behavior which could be characterized as sexual harassment, when perpetrated against a student of the University is considered a Mandated Reporter. Exception: Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication. This also means that the employee seeking the exemption is employed by the University for that specific purpose and was acting in that capacity when the confidential disclosure was made. If the information is not learned in the course of

confidential communication (for example, behavior is observed in class) then the employee has the same obligation as a Mandated Reporter.

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

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

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

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

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

G. Cooperation with Law Enforcement

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

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

1. Granting the request of the Complainant or the accused person to change classes, assignments or tests to avoid the other person;
2. Granting the request of the Complainant or the accused person to change to another housing unit to avoid the other person;
3. Granting the request of the Complainant or the accused person to change extracurricular activities to avoid the other person;
4. Granting the request of the Complainant or the accused person to change transportation, dining facilities or other services to avoid the other person;
5. Granting the request of the Complainant or the accused to alternative work assignments;
6. Informing the Complainant of and facilitating access to available resources for victim advocacy, counseling, medical services, mental health services, housing assistance, academic support services and any other services that may be beneficial to the Complainant; and

7. Informing the Complainant of her/his right to notify law enforcement authorities of the alleged incident.

I. Preliminary Investigation

A preliminary investigation into the report shall be conducted by the Title IX Coordinator or designee. For questions regarding confidentiality or requests that the complaint not be pursued, see Section F above. The purpose of the preliminary investigation is to gather enough information to refer the matter to the appropriate grievance process and to provide appropriate interim remedies. The preliminary investigation shall be concluded within a reasonable amount of time required to complete the investigation (typically 10-14 days). The preliminary investigation will be conducted in a manner so that it is adequate, reliable and impartial. The preliminary investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.

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

J. Grievance Processes and Procedures

The University has grievance processes in place depending on whether the matter involves students, employees or visitors. At the conclusion of the preliminary investigation, both the Complainant and the accused will be provided written information regarding the appropriate grievance process. In all informal or formal procedures involving allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct, regardless of any language found within the applicable procedural rules, the following shall apply:

1. The standard of proof shall be "preponderance of the evidence."
2. Informal resolution procedures are optional and may be used when the University determines that it is appropriate and both the Complainant and the accused are agreeable. Either the Complainant or the accused may end the informal procedure at any time and move to the formal procedure.
3. Mediation, where both Complainant and the accused are together in the same room, is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact.
4. Both the Complainant and the accused will be given notice of the procedure and equal opportunity to present witnesses and evidence.
5. Questioning or evidence about the Complainant's prior sexual conduct with anyone other than the accused is prohibited.

6. The accused may not personally cross-examine the Complainant and the Complainant may not personally cross-examine the accused. Questions should be directed through the chair and those deemed appropriate and relevant will be asked on his/her behalf.
7. The grievance process will normally be resolved within 60 calendar days. Deviations from this timeframe will be promptly communicated to both parties.
8. Both the Complainant and the accused will be given periodic updates.
9. The Complainant, the accused and the Title IX Coordinator will be notified in writing of the outcome of the grievance process.
10. Remedies Available for Substantiated Allegations—If the outcome of the hearing is that the allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct have been substantiated, the Title IX Coordinator or other authorized administrators may immediately provide the Complainant with appropriate remedies including, but not limited to, one or more of the following:
    (a) Providing escort services to assure that the Complainant can move safely between classes and activities;
    (b) Removing the perpetrator from classes or extracurricular activities which include the Complainant or otherwise assuring that the Complainant and the perpetrator are not required to share the same classes or extracurricular activities;
    (c) Moving the perpetrator to a different residence hall to assure that the Complainant and the perpetrator are not required to share the same residence hall;
    (d) Providing the Complainant with comprehensive victim services including medical services, counseling and academic support services such as tutoring;
    (e) Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
    (f) Any of the interim remedies outlined in Section H above.

    The Title IX Coordinator or other authorized administrator may also provide additional remedies as may be appropriate for the school community.
11. Any available appeals process must be equally available for both the Complainant and the accused.

K. Non-compliance

Failure to comply with this policy can result in disciplinary action. Employees also are cautioned that non-compliance with this policy may increase their risk of personal liability. Further, an individual who fails to report sexual harassment/violence under this policy may be determined to be ineligible for

defense or protection under CRR 490.010 for any associated claims, causes of action, liabilities or damages

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

M. Office of Civil Rights – Inquiries concerning the application of Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information on notice of nondiscrimination, visit http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm and for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481. The State of Missouri regional Office of Civil Rights is located in Kansas City and is available to provide assistance.

Region VII - Kansas City (Iowa, Kansas, Missouri, Nebraska)
Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
Kansas City, MO 64106
Voice Phone (816) 426-7277
FAX (816) 426-3686
TDD (816) 426-7065

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

- Equal Opportunity/Affirmative Action Policy - http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch320/320.010_Equal_Employment_Opportunity_Program
- UM Sexual Harassment Policy - http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.060_sexual_harassment
    - See also, Human Resources Manual – HR-510

- UM System Student Conduct - http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/
- UM System Rules of Procedures in Student Conduct Matters – http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters
- UM System Grievance Procedures - http://www.umsystem.edu/ums/rules/collected_rules/grievance
- Academic Grievance Procedure - http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch370/370.010_Academic_Grievance_Procedure
- Administrative, Service, and Support Staff - http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch380/380.010_grievance_procedure_administrative_service_support_staff
- Student Discrimination Grievances - http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch390/grievance_390.010
- Positive Work & Learning Environment Positive Work and Learning Environment

Collected Rules and Regulations 330.065
Consensual Amorous Relationship Policy
Chapter 330: Employee Conduct

Bd. Min. 12-15-06; Amended Bd. Min. 6-19-14.

A. The University of Missouri promotes an atmosphere of professionalism based on mutual trust and respect. The integrity of interaction among faculty, staff and students must not be compromised. In that regard, consensual amorous relationships between members of the University community are prohibited when one participant has direct evaluative or supervisory authority over the other because such relationships create an inherent conflict of interest. Examples of such relationships that are prohibited include, but are not limited to, employee (faculty, staff or student)/student and supervisor (faculty, staff or

student)/subordinate, when those relationships involve direct evaluative or supervisory authority. In such cases, the individual in the evaluative or supervisory position has an obligation to disclose the consensual amorous relationship to his or her administrative superior and to cooperate with the administrative superior in removing himself or herself from any such evaluative or supervisory activity in order to eliminate the existing or potential conflict of interest.

B. Should a violation of this policy be claimed by a person involved in the consensual amorous relationship, the matter shall be investigated by the appropriate University official or, if that person elects to file a grievance, under the appropriate University grievance procedure or, if the complainant believes he or she has been discriminated against based upon his or her sex, he or she may file a complaint with the Title IX Coordinator for the campus. Should any employee or student not involved in the consensual amorous relationship claim to have been adversely affected personally by a violation of this policy, the situation will be investigated by the appropriate University official or, if that person elects to file a grievance, under the appropriate University grievance procedure or, if the complainant believes he or she has been discriminated against based upon his or her sex, he or she may file a complaint with the Title IX Coordinator for the campus. A violation of this policy, regardless of the manner in which it is brought to the attention of the University, may lead to disciplinary action as appropriate, up to and including termination of employment in the most serious circumstances, following appropriate processes for such discipline.

C. For purposes of this policy, consensual amorous relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature except when those two individuals are married to each other. Direct evaluative or supervisory authority exists when one participant is personally involved in evaluating, assessing, grading, or otherwise determining the other participant’s academic or employment performance, progress or potential.

Temporary Delegation of Authority to the President Regarding Mental Health and Sexual Assault Issues (information on file)

It was recommended by Executive Vice President Foley and Vice President Rodriguez, endorsed by President Wolfe, moved by Curator Phillips and seconded by Curator Cupps, that the following action be approved:

> The Board's general delegation of authority set forth in Collected Rule and Regulation 20.020 be temporarily expanded regarding sexual assault and mental health issues such that the President may, if he determines it necessary and in the best interests of the University, take actions, including issuing executive orders, that supersede or conflict with existing Collected Rules and Regulations of the University, and that any such actions or orders shall take effect immediately; provided, however, that any such actions or orders shall be limited to mental health and sexual assault issues and shall be subject to ratification by the Board at its meeting on October 2-3, 2014.
>
> This temporary delegation of authority shall expire without further action at the conclusion of the Board's October 2-3, 2014 meeting.

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes

The motion carried.

Compensation and Human Resources Committee

Curator Phillips provided time for discussion of committee business.

Information

1. Total Rewards Task Force Recommendations (slides on file)

Action

2. Amendments to University's Non-Discrimination Policies

Amendments to University's Non-Discrimination Policies – presented by Vice President Rodriguez (information on file)

It was recommended by Vice President Rodriguez, endorsed by President Wolfe, moved by Curator Phillips and seconded by Curator Goode, that the following action be approved:

> The University's non-discrimination policies, including Collected Rules and Regulations 320.010, 330.060, 330.062, 370.010 (plus Appendix A), 370.01 and 390.010, be amended to include express prohibitions against discrimination on the basis of gender identity and gender expression, as set forth in the attached amended rules (and as on file with the minutes of this meeting).

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Collected Rules and Regulations 320.010
Equal Employment Opportunity Policy
Chapter 320: Employment and Termination

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

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

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

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

B. **Procedures** -- The President of the University shall establish affirmative action procedures to implement this policy.

Collected Rules and Regulations 330.060
Sexual Harassment
Chapter 330: Employee Conduct

Executive Order No. 20, 3-17-81 (Rev. 7-1-81 and 9-20-83), Bd. Min. 3-18-93; Bd. Min. 6-19-14.

This University of Missouri policy aims for an increased awareness regarding sexual harassment by making available information, education and guidance on the subject for the University community.

A. **Policy Statement** -- It is the policy of the University of Missouri, in accord with providing a positive discrimination-free environment, that sexual harassment in the work place or the educational environment is unacceptable conduct. Sexual harassment is subject to discipline, up to and including separation from the

institution.

B. **Definition** -- Sexual harassment is defined for this policy as either:

1. Unwelcome sexual advances or requests for sexual activity by a University employee in a position of power or authority to a University employee or a member of the student body, or
2. Other unwelcome verbal or physical conduct of a sexual nature by a University employee or a member of the student body to a University employee or a member of the student body, when:
    a. Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
    b. The purpose or effect of such conduct is to interfere unreasonably with the work or academic performance of the person being harassed; or
    c. The purpose or effect of such conduct to a reasonable person is, to create an intimidating, hostile, or offensive environment.

Sexual harassment may occur regardless of the sex, gender identity, gender expression, or sexual orientation of the parties.

C. **Non-Retaliation** -- This policy also prohibits retaliation against any person who brings an accusation of discrimination or sexual harassment or who assists with the investigation or resolution of sexual harassment. Notwithstanding this provision, the University may discipline an employee or student who has been determined to have brought an accusation of sexual harassment in bad faith.

D. **Redress Procedures** -- Members of the University community who believe they have been sexually harassed may seek redress, using the following options:

1. Pursue appropriate informal resolution procedures as defined by the individual campuses. These procedures are available from the campus Affirmative Action/Equal Opportunity Officer.

2. Initiate a complaint or grievance within the period of time prescribed by the applicable grievance procedure. Faculty are referred to Section 370.010, "Academic Grievance Procedures"; staff to Section 380.010, "Grievance Procedure for Administrative, Service and Support Staff" and students to Section 390.010, "Discrimination Grievance Procedure for Students".

   Pursuing a complaint or informal resolution procedure does not compromise one's rights to initiate a grievance or seek redress under state or federal laws.

E. **Discipline** -- Upon receiving an accusation of sexual harassment against a member of the faculty, staff, or student body, the University will investigate and, if substantiated, will initiate the appropriate disciplinary procedures. There is a five year limitation period from the date of occurrence for filing a charge that may lead to discipline.

   An individual who makes an accusation of sexual harassment will be informed:

   1. at the close of the investigation, whether or not disciplinary procedures will be initiated; and
   2. at the end of any disciplinary procedures, of the discipline imposed, if any.

Collected Rules and Regulations 330.062
Title IX Policies and Reporting
Chapter 330: Employee Conduct

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

The policy set forth in this rule is intended to supplement the existing policies of the University of Missouri System and its respective campuses, as those policies relate to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sections 1881 *et seq.,* and its implementing regulations, 34 C.F.R. Part 106.

A. Sex Discrimination, Harassment and Violence in Education (Title IX) – Sex discrimination is prohibited by university policy and law in educational programs, activities and employment. Title IX applies to all students, employees, volunteers and visitors at the university and prohibits unequal treatment on the basis of sex as well as sexual harassment and sexual violence, which are both forms of sex

discrimination. Additionally, there is a specific application of Title IX in athletic programs to ensure gender equality and that women and men have equal access to sports opportunities.

B. Statement of Nondiscrimination – As stated in its applicable rules and policies, the University of Missouri does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability or status as a protected veteran. The university affirms its commitment to providing equal opportunities by establishing the Equal Opportunity Policy statement. The university's nondiscrimination policies apply to any phase of its employment process, any phase of its admission or financial aid programs, or other aspects of its educational programs or activities. Additionally, this policy and the existing Title IX policies apply to sexual violence or sexual harassment, both of which are forms of sex discrimination, occurring within the university's educational programs and instances occurring in other settings if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the university's educational programs. Notices of nondiscrimination are posted on the websites and at other locations for the UM System and each of the campuses.

C. Definitions

1. **Sex Discrimination –** Sex discrimination occurs when a person has been treated unequally based on her/his sex, gender identity, or gender expression. Specifically, Title IX prohibits the exclusion of persons from participation in, or denial of, the benefits of any university program or activity because of their sex, gender identity, or gender expression.

2. **Sexual Harassment –** Sexual harassment is a subset of sex discrimination and is therefore prohibited. Sexual harassment involves any unwelcome conduct of a sexual nature. The unwelcome conduct may involve direct action (advances, promises, etc.) by a person in authority, or sex-related behavior which creates a hostile environment, whether by one in power or by others. Sexual harassment may occur regardless of the sex, gender identity, gender expression, or sexual orientation of the parties.

3. **Sexual Violence –** Sexual violence is a subset of sexual harassment and is thus also prohibited as a kind of sex discrimination. Sexual violence involves any physical sexual act which is perpetrated against a person's will or done without valid consent (such as when the person is intoxicated). The primary motivation for sexual violence is not

sexual gratification but rather the assertion of power; this inevitably leads to a hostile environment for the victim.

4. For additional definitions, see CRR 200.010, Standard of Conduct; CRR 200.020, Rules of Procedures in Student Conduct Matters; CRR 320.010, Equal Employment Opportunity Program; and CRR 330.060, Sexual Harassment.

D. Reporting and Processing Information of Sexual Harassment (including Sexual Violence) Perpetrated Against Students

1. Applicability – This section, and the reporting and processing of information covered by this section, shall apply to acts of sex harassment (including sexual violence) perpetrated against students of the university. Information regarding acts of misconduct, including sexual harassment and sexual violence, perpetrated against non-students within the university's jurisdiction should be reported and processed pursuant to existing university policies (see e.g., HR-520, *Reporting University-Related Misconduct*).

2. Mandated Reporters – Any employee of the university who becomes aware of an act of sexual harassment (including sexual violence) or behavior which could be characterized as sexual harassment, when perpetrated against a student of the university is considered a Mandated Reporter. Exception: Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication. However, 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.

3. **Required Reporting and Disclosure –** A Mandated Reporter is required to promptly report the information s/he receives to the appropriate Title IX Coordinator. The mandated report must be made regardless of whether the person reporting the information to the Mandated Reporter (the "Complainant") 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 the charges not be pursued, the Mandated Reporter should warn the Complainant that, at this stage in the process, the Mandated Reporter must report some information to the Title IX Coordinator, depending on the employment status of the Mandated Reporter. The UM System and campuses should provide appropriate training to those employees likely to witness or receive reports of sexual harassment and violence.

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

5. **Title IX Coordinator's Review –** Upon receipt of information of potential sexual harassment (including sexual violence), the Title IX Coordinator shall review the information and, if necessary, immediately investigate to determine whether there is cause to believe that the alleged behavior violates Title IX or the university's non-discrimination policies. If so, the case will be handled according to the requirements of Title IX and referred for appropriate action under existing disciplinary policies for students, staff, or faculty as the case may be. The Title IX Coordinator also will assess whether other action is needed to eliminate the sexual harassment, prevent its recurrence, and address its effects and will undertake or initiate such action as may be required in coordination with appropriate university officials.

6. **Requests for Confidentiality or Not to Pursue an Investigation**

    a. The Title IX Coordinator or other appropriate official should inform and obtain the consent from the Complainant before beginning an investigation. If the Complainant requests confidentiality or asks that the complaint not be pursued, the Title IX Coordinator should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the Title IX Coordinator should inform the Complainant that his or her ability

to respond may be limited. The Title IX Coordinator should evaluate the Complainant's request in the context of providing a safe and nondiscriminatory environment for all students.

b. After due deliberation of the Complainant's request, and in accordance with Title IX, the Title IX Coordinator may decide not to proceed with an investigation or referral for disciplinary action. Such a decision should be well-reasoned and documented. If, after due deliberation, the Title IX Coordinator decides the university cannot or should not take disciplinary action against the alleged harasser, the Title IX Coordinator should consider other steps to limit the effects of the alleged harassment and prevent its recurrence, such as policy revisions or education sessions.

7. **Retaliation Prohibited** – No person shall be subject to any form of retaliation for making a report required by this policy or for making any other good faith report to a Title IX Coordinator. Any person who engages in such retaliation shall be subject to disciplinary action in accordance with applicable procedures.

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

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

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

Missouri University of Science and Technology

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

University of Missouri-Columbia (primary contact in cases of sexual assault)
Cathy Scroggs, Ph.D.
Deputy Title IX Coordinator
Vice Chancellor of Student Affairs
Department of Student Affairs
Address:
110 Jesse Hall
Columbia, MO 65211
Telephone Number: 573-882-6776
Email Address: ScroggsC@missouri.edu
http://equity.missouri.edu/titleix.php

University of Missouri-Columbia (for any Title IX report or inquiry)
Noel Ann English, J.D.
Director of MU Equity/ Title IX Coordinator
Address:
Memorial Union S303
Columbia, MO 65211
Telephone Number: (573) 882-9069
Email Address: englishno@missouri.edu
http://equity.missouri.edu/titleix.php

University of Missouri-Kansas City
Michael Bates, J.D.
Director of Affirmative Action
Human Resources
Address:
212 Administrative Center
5100 Oak Street
Kansas City, MO 64110
Telephone Number: (816) 235-6910

Email Address: batesmd@umke.edu
http://www.umkc.edu/hr/TitleIX/default.asp

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

Duties and responsibilities of the university's Title IX Coordinators include monitoring and oversight of overall implementation of Title IX Compliance at the university, including coordination of training, education, communications, and coordination with grievance procedures for faculty, staff, students and other members of the university community.

G. Office of Civil Rights – Inquiries concerning the application of Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information on notice of nondiscrimination, visit http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481. The State of Missouri regional Office of Civil Rights is located in Kansas City and is available to provide assistance.

Region VII - Kansas City (Iowa, Kansas, Missouri, Nebraska)
Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
Kansas City, MO 64106
Voice Phone (816) 426-7277
FAX (816) 426-3686
TDD (816) 426-7065

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

- Equal Opportunity/Affirmative Action Policy - http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch320/320.010_Equal_Employment_Opportunity_Program

- UM Sexual Harassment Policy - http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.060_sexual_harassment
    - See also, Human Resources Manual – HR-510

- UM System Student Conduct - http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/

- UM System Rules of Procedures in Student Conduct Matters – http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters

- UM System Grievance Procedures - http://www.umsystem.edu/ums/rules/collected_rules/grievance

- Academic Grievance Procedure - http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch370/370.010_Academic_Grievance_Procedure

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

- Student Discrimination Grievances - http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch390/grievance_390.010

- Positive Work & Learning Environment Positive Work and Learning Environment

Collected Rules and Regulations 370.01
Academic Grievances (for procedures applicable to UMSL refer to Section 370.010)
Chapter 370: Academic Grievances

Bd. Min. 4-8-05; Extended Bd. Min. 4-4-08; Amended 12-12-08; 04-03-09; 6-19-14.

The primary goal of the grievance procedure is to present prompt and clear evaluations about the merits of grievances and provide solutions that are equitable and effective. This process is not designed to replicate a judicial proceeding.

The Board of Curators, the faculty, and the administration of the University of Missouri recognize the importance of providing a prompt and efficient procedure for fair and

equitable resolutions of grievances with the University without fear of prejudice or reprisal for initiating a grievance or participating in its settlement. To the extent possible, all grievances should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed as formal grievances only when either party feels that a fair and equitable solution has not been reached in the informal discussions. Accordingly, the members of the faculty as defined in the rules and regulations, Section 310.020 A, including faculty who hold an administrative title or function, are encouraged to use this procedure for grievances relating to their status or activities as faculty members. This grievance procedure should not be used in connection with a matter relating to any administrative title or function which the faculty member currently holds or may also have had.

The success of this procedure is contingent upon the good faith effort of all participants. It is the responsibility of the MU Faculty Council, the UMKC Faculty Senate, the MU and UMKC Chancellors, and the University President to encourage and sustain such efforts, and to ensure that the procedure is followed in its entirety in its spirit as well as letter. The MU and UMKC Chancellors will also be responsible for ensuring that the determination reached in a grievance is implemented.

1. **Definition:**
    1. A grievance is defined as an allegation that one or more of the following has occurred:
        1. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of University policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.
        2. The faculty member has been discriminated against on the basis of race, color, religion, sex, gender identity, gender expression, national origin, age, disability, status as a Vietnam era veteran, or sexual orientation.
        3. There has been an infringement on the academic freedom of the faculty member.
    2. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.
2. **Termination and Non-Renewal of Regular Faculty**
    1. The termination of regular faculty on continuous appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) and the Procedures in Cases of Dismissal for Cause (Section 310.060) rather than this Grievance Procedure. Any matter related to the termination of regular faculty on continuous appointment cannot be grieved under Section 370.015.

2. The non-renewal of regular faculty on regular term appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) rather than this Grievance Procedure. For the Columbia and Kansas City campuses only, the reference to Section 370.010 in Section 310.020F shall be taken instead to reference Section 370.015. As laid out in Section 310.020.F.3., if a tenure-track faculty members' non-renewal has been unsuccessfully appealed to the Chancellor, the faculty member may use this grievance process only to allege that the decision resulted from inadequate consideration, or that the decision was based significantly on consideration violative of academic freedom, or that the decision was based significantly on considerations violative of governing policies on equal employment opportunity.

3. **Grievance Process:**
    1. *Grievance Resolution Panel (GRP):*
        1. Grievances shall be addressed by a standing three person *GRP* consisting of a senior administrator (e.g., Deputy Provost) and two tenured faculty members:
            1. The faculty members will be chosen by the Faculty Council (FC) or Faculty Senate (FS) after consultation with the Chancellor via an application process designed by the FC or FS.
            2. Faculty members will be granted release time to compensate for the effort devoted to the *GRP*. The amount of release time will be negotiated between the Chancellor and the faculty member's dean/department chair.
            3. The senior administrator member of the *GRP* will be appointed by the Chancellor after consultation with the FC or FS.
        2. *GRP* members will serve up to three-year renewable terms pending FC or FS and Chancellor approval.
            1. In case of a conflict of interest, the FC or FS will appoint alternate faculty members of the *GRP*. Release time, if any, for faculty alternates will be negotiated between the Chancellor and the alternate's dean/department chair, as needed.
            2. In the case of a conflict of interest, the Chancellor will appoint an alternate senior administrator after consultation with the FC or FS.
    2. Faculty Council or Faculty Senate Oversight Committee (OC) :
        1. The OC will monitor the grievance process. (Additional details on OC committee are provided below in section C.11.)
    3. Filing a grievance:

1. A faculty member files a grievance by the completion of the Grievance Filing Form (PDF) and submission of the form to the *GRP*.
    1. The Grievance Filing Form must be the form approved by the *GRP*.
    2. The form must include the following specific information:
    (a) Description and date of occurrence of the grieved act,
    (b) The rule that was violated,
    (c) The harm that resulted,
    (d) The remedy the grievant requests,
    (e) Attempts at informal resolution.
    3. The grievant may submit any relevant evidence/attachments that the grievant would like to be considered by the *GRP* as well as a list of additional sources of information, including persons with knowledge.
    4. The grievant may also request that the *GRP* gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university unit, the *GRP* will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
2. There are two requirements the grievant must meet when filing:
    1. The grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.
    2. The grievant must file the grievance within one hundred and eighty (180) days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.

        (a) A faculty member who does not initiate a grievance in accordance with the 180-day limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer.

4. Processing a grievance:
    1. The GRP will meet with the grievant to discuss the complaint, ask questions, and gain a greater understanding of the issue.

2. Early in the process, the GRP will hold one face-to-face meeting simultaneously with both the grievant and the person against whom the grievance is directed.
3. The GRP will also name a university respondent, in consultation with both the Chancellor or the Chancellor's designee and the Chair of Faculty Council or Faculty Senate or the Chair's designee.
4. Both the grievant and the respondent have the right to consult with an attorney of their choice, but that attorney may not be present at any meetings with the GRP. Both the grievant and the respondent may have an advisor present at meetings with the GRP but the advisor must be a current university employee and cannot act in the capacity of an attorney. The advisor may not make presentations or statements to the GRP, or any other parties present.
5. The university respondent will be provided with the original grievance filing form and any other information gathered that the GRP deems relevant, and will be required to write a rebuttal statement.
    1. The respondent may include any relevant evidence/attachments that the respondent would like to be considered by the GRP, as well as a list of additional sources of information, including persons with knowledge.
    2. The respondent may request that the GRP gather any additional relevant evidence that the respondent believes exists and that is not in the respondent's possession or to which the respondent does not have access. Taking into account considerations of FERPA, HIPPA, attorney/client privilege and impact on any party or university entity, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
    3. The respondent has 15 days from the date that s/he is provided with the original grievance filing form to write this rebuttal statement. The respondent may submit a written request to the GRP for a time extension to prepare the rebuttal. Such extensions will be granted at the sole discretion of the GRP.
6. The GRP will investigate, gather evidence, meet individually or jointly with either or both parties, as well as other relevant individuals. There shall be no formal hearing in this process.
7. Based on its own investigation, the GRP may collect evidence that it deems as having relevance and centrality to the grieved matters.
8. The GRP shall receive the cooperation of campus administrators, the collegiate dean, the department chair, the grieving faculty member, other faculty members, other University employees, and

students enrolled at the University. It will be the duty of all such individuals to provide, in a timely fashion, all requested non-testimonial evidence relevant to the case.

9. The GRP will consult with University Legal Counsel concerning legal issues of evidence, including but not limited to FERPA regulations, attorney/client privilege, and HIPPA-protected materials.
10. All University employees must be truthful in providing testimony to the GRP and all non-testimonial evidence must be genuine and accurate. False testimony, fraudulent evidence, refusal to cooperate with the GRP and breaches of confidentiality (see section L) may be the basis for a personnel action against the uncooperative individual or result in the GRP filing charges of Faculty Irresponsibility under the **Procedures Governing the Disposition of Charges of Faculty Irresponsibility (Section 300.010L).**
11. The grievant(s) and respondent(s) shall be provided with a copy of all evidence collected by the GRP, or in the case of materials deemed confidential by the GRP, a summary of this evidence.
12. The GRP will have three months from the date of the filing of the grievance to conduct an investigation and render findings and recommendations, if any.
13. Prior to rendering its findings, the GRP will inform the parties in writing of their tentative findings and the basis for these findings, including documents collected and information received orally. The parties shall meet jointly with the GRP and each will have the opportunity to provide a 30 minute oral presentation to the GRP regarding their perspective on these tentative findings. Each party will be provided with the opportunity to make one ten minute rebuttal to the other party's presentation.

5. The GRP findings and recommendations:
    1. The GRP has broad administrative latitude to address grievances.
    2. At any point in the process, the GRP may provide for:
        1. A mediation of a settlement agreement between the grievant and the University of Missouri.
        2. A finding that the grievance has no merit.
    3. At the conclusion of their investigation, the GRP findings may include, but are not limited to, the following:
        1. A finding in favor of the grievant and the recommendation of remedies, if any, to resolve the grievance.
        2. A finding that both the grievant and the respondent have legitimate complaints and the recommendation of remedies, if any, to resolve both sets of complaints.

3. A finding against the grievant with no recommendations for remedies to address the grievant's complaint.
4. A finding that the respondent was subject to some adversity in connection with the aggrieved act and the recommendation of remedies, if any, to alleviate this adversity.
5. A finding of a systematic problem in the administration of the University of Missouri and the recommendation, if any, for remedies to prevent this problem in the future.

4. The GRP will render its findings and recommendations and provide them to the parties, the Chancellor, and the Oversight Committee Representative.

6. Appeal of the GRP findings:
    1. Within 15 days, either the grievant or the respondent may appeal the GRP findings and recommendations, if any, to the Chancellor using the Grievance Appeal Form (PDF).
    2. The Chancellor will have 30 days from the time it is received to act on the appeal. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within 30 days and does not provide such a letter, the decision of the GRP becomes final.
    3. If neither party appeals the GRP decision within 15 days, then the Chancellor will have an additional 30 days to accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within 30 days and does not provide such a letter, the decision of the GRP becomes final.
7. Chancellor's review of the GRP Decision:
    1. In reviewing the GRP decision:
        1. The Chancellor, or the Chancellor's designee, may speak to the grievant and the respondent. If the Chancellor, or the Chancellor's designee, meets with one party, however, then the Chancellor or the chancellor's designee must also meet with the other party as well, although not necessarily at the same time.
        2. The Chancellor will have access to all relevant documents.
        3. The Chancellor or the Chancellor's designee may seek additional information or input as needed. If the Chancellor or Chancellor's designee seeks additional

information, however, then the Chancellor shall inform the GRP and the OC representative to the grievance under consideration what additional information or input the Chancellor or the Chancellor's designee has sought.

2. The Chancellor may accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP.
3. The Chancellor's decision is final.
4. Upon rendering of the final decision, the chancellor will notify the grievant, respondent, GRP and Oversight Committee representative regarding the final outcome and remedies, if any.

8. Grievant's acceptance of the final decision:
    1. Once a decision is final, the grievant has 15 days to provide written acceptance of the decision and any recommended remedies.
    2. The grievant uses the Grievance Acceptance Form (PDF) to file a response to the final decision.
9. If the grievant fails to provide a written acceptance of the final decision or submits a Grievance Acceptance Form that rejects the final decision, the grievant suffers the loss of all remedies favorable to the grievant.
10. Grievant's legal rights:
    1. Upon acceptance of the final decision, the grievant waives the right to bring a lawsuit concerning any matters that were a subject of the grievance.
    2. If a lawsuit related to the substantive content of the grievance is initiated at any time, then this grievance process will immediately end and the grievant and the respondent are immediately released from requirements imposed by Section 12 below.
    3. Upon rejection of the final decision, the grievant and the respondent are released from the confidentiality requirements imposed by Section C.12.below.
11. Oversight:
    1. There will be a Faculty Council (Senate) Oversight Committee (OC), whose purpose will be to monitor the Grievance process as neutral observers and provide feedback on the process to the Faculty Council or Faculty Senate, the faculty and the Provost's and Chancellor's Office.
        1. The OC will consist of 3-5 tenured faculty appointed by Faculty Council or Faculty Senate for up to three year staggered terms.
        2. Chair of the OC will be a member of the Faculty Council or Faculty Senate Executive Committee.
    2. OC monitoring of individual grievances:
        1. A member of the OC will be appointed to each grievance case following receipt of the Grievance Filing Form by the

GRP. OC members will rotate grievance case membership unless a conflict of interest is identified.

2. The OC representative will sit in on all GRP deliberations and will be copied on all correspondence. If during deliberations, the OC member has process or procedural concerns, the member may raise the concerns with the GRP, without the grievant or respondent or any other parties present.
3. The OC representative is an observer: The OC representative may not participate in the deliberations or rendering of findings and recommendations by the GRP.
4. GRP requests for extension of the 3-month timeline shall be made to the OC. The OC committee shall rule on such requests within five days from the receipt of the request.
5. The OC representative shall not discuss the ongoing grievance with anyone, including other OC members, except any information necessary to the OC committee decision regarding time extension requests from the GRP.
6. At the close of each grievance case, the OC representative shall present to the other OC members a summative and evaluative report of that particular case. These reports will not reveal any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant.

3. OC monitoring of the grievance process:
    1. The OC will continually monitor the overall grievance process.
    2. On a yearly basis the OC shall present a summative and evaluative report to Faculty Council or Faculty Senate Executive Committee, the Provost and the Chancellor.
    3. The OC will monitor the implementation of remedies resulting from the final grievance decision by communication with relevant parties, and in cases in which remedies are not being implemented the Faculty Council or Faculty Senate Executive Committee will be notified.

12. Confidentiality:
    1. All parties involved (grievant, respondent, GRP and OC) must agree to maintain strict confidentiality regarding any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant. The substance of the cases shall not be discussed at any time, before or after a final decision is made, except as provided in Section 10.b. and 10.c.

Collected Rules and Regulations 370.010
Academic Grievance Procedure

Bd. Min. 4-8-05; Extended Bd. Min. 4-4-08; Amended 12-12-08; 04-03-09; Bd. Min. 6-17-11. [The 6-17-11 version replaces 370.015 (Pilot Academic Grievance Procedure), and the prior version of 370.010.]; Amended Bd. Min. 6-19-14.

The Board of Curators, the faculty, and the administration of the University of Missouri recognize the importance of providing a prompt and efficient procedure for fair and equitable resolutions of grievances with the University without fear of prejudice or reprisal for initiating a grievance or participating in its settlement. To the extent possible, all grievances should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed as formal grievances only when either party feels that a fair and equitable solution has not been reached in the informal discussions. Accordingly, the members of the faculty as defined in the rules and regulations, Section 310.020 A, including faculty who hold an administrative title or function, are encouraged to use this procedure for grievances relating to their status or activities as faculty members. Former faculty members may only use this process to grieve the non-renewal of their employment. This grievance procedure should not be used in connection with a matter relating to any administrative title or function which the faculty member currently holds or may also have had.

The success of this procedure is contingent upon the good faith effort of all participants. It is the responsibility of the Faculty Council, Senate and Campus Administration, and the University President to encourage and sustain such efforts, and to ensure that the procedure is followed in its entirety in its spirit as well as letter. The Chancellors will be responsible for ensuring that the determination reached in a grievance is implemented. The Faculty Council/Senate Oversight Committee will monitor this process, as per 370 C.11.c.

A. **Definition:**
    1. A grievance is defined as an allegation that one or more of the following has occurred:
        a. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of written University rule, policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.
        b. The faculty member has been discriminated against on the basis of race, color, religion, sex, gender identity, gender expression,

national origin, age, disability, status as a Vietnam era veteran, or sexual orientation.

c. There has been an infringement on the academic freedom of the faculty member.

2. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.

B. **Termination and Non-Renewal of Regular Faculty**

1. The termination of regular faculty on continuous appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) and the Procedures in Cases of Dismissal for Cause (Section 310.060) rather than this Grievance Procedure. Any matter related to the termination of regular faculty on continuous appointment cannot be grieved under Section 370.010.
2. The non-renewal of regular faculty on regular term appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) rather than this Grievance Procedure. As laid out in Section 310.020.F.3., if a tenure-track faculty members' non-renewal has been unsuccessfully appealed to the Chancellor, the faculty member may use this grievance process only to allege that the decision resulted from inadequate consideration, or that the decision was based significantly on consideration violative of academic freedom, or that the decision was based significantly on considerations violative of governing policies on equal employment opportunity.

C. **Grievance Process:**

1. *Grievance Resolution Panel (GRP):*

a. Grievances shall be addressed by a standing GRP consisting of a senior administrator and two or four tenured faculty members:

i. Two models for the GRP are possible and the model employed by each campus, as well as the number of GRP members, will be determined by the Chancellor in consultation with Faculty Council/Senate.
(a) Model A: Two or four GRP faculty members (plus 2 alternate faculty members) will be chosen by the Faculty Council (FC) or Faculty Senate (FS) after consultation with the Chancellor or Chancellor's designee, via an application process designed by the FC or FS.
(b) Model B: The GRP will consist of two panels, each with two or four tenured faculty members and two alternate faculty members. Faculty will be chosen by FC/FS as described in Model A. above.

ii. Faculty members may be granted release time to compensate for the effort devoted to the GRP. The amount of release time will be negotiated between the Chancellor/Chancellor's designee and the faculty member's dean/department chair.

iii. The senior administrator member of the GRP under either Model A or B will be appointed by the Chancellor/Chancellor's designee after consultation with the FC or FS.

b. GRP members will serve up to three-year renewable terms pending FC or FS and Chancellor/Chancellor's designee approval. In the interest of continuity and consistency, faculty terms on the GRP will be staggered.

c. A conflict of interest is a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity.

i. In the case of a conflict of interest of the senior administrative member of the GRP, the Chancellor/Chancellor's designee will appoint an alternate senior administrator after consultation with the FC/FS.

ii. In case of a conflict of interest of a faculty member of the GRP, the FC/FS will appoint alternate faculty members of the GRP. Release time, if any, for faculty alternates will be negotiated between the Chancellor/Chancellor's designee and the alternate's dean/department chair, as needed.

2. Faculty Council/Senate Oversight Committee (OC) :
   a. The OC will monitor the grievance process. (Additional details on OC committee are provided below in section 370.010 C.11.)
3. Filing a grievance:

   a. A faculty member files a grievance by the completion of the Grievance Filing Form (GFF) (see attached form in Appendix A) and submission of the form to the GRP.

      i. The grievant may submit any relevant evidence/attachments that the grievant would like to be considered by the GRP as well as a list of additional sources of information, including persons with knowledge, subject to the limitations as to length specified in the GFF.

      ii. The grievant may also request that the GRP gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into

account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university unit, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).

b. There are three requirements the grievant must meet when filing:

i. The grieved act listed on the GFF must meet the definitional criteria in 370.010 A.

ii. The grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.

iii. The grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.

(a) A faculty member who does not initiate a grievance in accordance with the 180-day calendar limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer.

c. If the GRP determines that any of these three requirements (370.010 C.3.) are not met, they may reject the grievance. Rejections of grievances cannot be appealed.

4. Processing a grievance:

a. The GRP will meet with the grievant to discuss the complaint and gain a greater understanding of the issues.
b. The GRP will also name a university respondent, in consultation with both the Chancellor/Chancellor's designee and the Chair/President of Faculty Council/Senate or their designee.
c. Early in the process, the GRP may hold one face-to-face meeting simultaneously with both the grievant and the person against whom the grievance is directed.
d. Both the grievant and the respondent have the right to consult with an attorney of their choice, but that attorney may not be present at any meetings with the GRP. Both the grievant and the respondent may have an advisor present at meetings with the GRP but the advisor must be a current university employee and cannot act in the capacity of an attorney. The advisor may not make

presentations or statements to the GRP, or any other parties present.

e. The university respondent will be provided with the original grievance filing form and any other information gathered that the GRP deems relevant, and will be required to write a rebuttal statement.

    i. The respondent may include any relevant evidence/attachments that the respondent would like to be considered by the GRP, as well as a list of additional sources of information, including persons with knowledge.
    ii. The respondent may request that the GRP gather any additional relevant evidence that the respondent believes exists and that is not in the respondent's possession or to which the respondent does not have access. Taking into account considerations of FERPA, HIPPA, attorney/client privilege and impact on any party or university entity, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
    iii. The respondent has 15 calendar days from the date that s/he is provided with the original grievance filing form to write this rebuttal statement. The respondent may submit a written request to the GRP for a time extension to prepare the rebuttal. Such extensions will be granted at the sole discretion of the GRP.

f. The GRP will investigate, gather evidence, meet individually or jointly with either or both parties, as well as other relevant individuals. There shall be no formal hearing in this process.
g. Based on its own investigation, the GRP may collect evidence that it deems as having relevance and centrality to the grieved matters.
h. The GRP shall receive the cooperation of campus administrators, the collegiate dean, the department chair, the grieving faculty member, other faculty members, other University employees, and students enrolled at the University. It will be the duty of all such individuals to provide, in a timely fashion, all requested non-testimonial evidence relevant to the case.
i. The GRP will consult with University Legal Counsel concerning legal issues of evidence, including but not limited to FERPA regulations, attorney/client privilege, and HIPPA-protected materials.
j. All University employees must be truthful in providing testimony to the GRP and all non-testimonial evidence must be genuine and accurate. False testimony, fraudulent evidence, refusal to cooperate with the GRP and breaches of confidentiality (see

section 370.010 C.12) may be the basis for a personnel action against the uncooperative individual.

k. The grievant(s) and respondent(s) shall be promptly provided with a copy of all evidence collected by the GRP, or in the case of materials deemed confidential by the GRP, a summary of this evidence.

l. The GRP will have three months from the date of a correctly filed grievance (see 370.010 C.3.a) to conduct an investigation and render findings and recommendations, if any.

m. Prior to rendering its findings, the GRP will inform the parties in writing of their tentative findings and the basis for these findings, including documents collected and information received orally. The parties shall meet jointly with the GRP and each will have the opportunity to provide a 30 minute oral presentation to the GRP regarding their perspective on these tentative findings. Each party will be provided with the opportunity to make one ten minute rebuttal to the other party's presentation.

5. Potential GRP Actions

a. The GRP has broad administrative latitude to address grievances.

b. At any point in the process, the GRP may:

. Facilitate a settlement agreement between the grievant and the University of Missouri.

i. Make a determination that the grievance has no merit. This determination is not appealable.

ii. Terminate a grievance if a lawsuit related to the substantive content of the grievance, as determined by the GRP, is initiated at any time. The grievant and the respondent are immediately released from requirements imposed by Section 370.010 C.12. This action is not appealable.

c. At the conclusion of their investigation, the GRP shall make findings and recommendations that may include, but are not limited to, the following, which will be provided to the Chancellor, Provost, the parties, and the Oversight Committee Representative:

i. A finding in favor of the grievant and the recommendation of remedies, if any, to resolve the grievance.

ii. A finding that both the grievant and the respondent have legitimate complaints and the recommendation of remedies, if any, to resolve both sets of complaints.

iii. A finding against the grievant with no recommendations for remedies to address the grievant's complaint.

iv. A finding that the respondent was subject to some adversity in connection with the aggrieved act and the

recommendation of remedies, if any, to alleviate this adversity.

d. In the interest of solving problems, the GRP in unique position to view university functions from multiple viewpoints, may occasionally identify areas of functioning of the University of Missouri that could be improved or changed to prevent future problems. These findings and recommendations can be provided periodically to the Provost, the Chancellor, and the Chair of Faculty Council/Senate.

6. Appeal of the GRP findings:

   a. Within 15 calendar days, either the grievant or the respondent may appeal the GRP findings and recommendations, if any, to the Chancellor using the Grievance Appeal Form (a copy of which is attached in Appendix B).
   b. The Chancellor will have 30 calendar days from the time it is received to act on the appeal. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within 30 calendar days and does not provide such a letter, the decision of the GRP becomes final.
   c. If neither party appeals the GRP decision within 15 days, then the Chancellor will have an additional 30 days to accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within such additional 30 calendar days and does not provide such a letter, the decision of the GRP becomes final.

7. Chancellor’s review of the GRP Decision:

   a. In reviewing the GRP decision:

      i. The Chancellor, or the Chancellor’s designee, may speak to the grievant and the respondent. If the Chancellor, or the Chancellor’s designee, meets with one party, however, then the Chancellor or the chancellor’s designee must also meet with the other party as well, although not necessarily at the same time.
      ii. The Chancellor and Chancellor's designee will have access to all relevant documents.

iii. The Chancellor or the Chancellor's designee may seek additional information or input as needed. If the Chancellor or Chancellor's designee seeks additional information, however, then the Chancellor shall inform the GRP and the OC representative to the grievance under consideration what additional information or input the Chancellor or the Chancellor's designee has sought.

b. The Chancellor may accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP. If the Chancellor rejects or modifies, the Chancellor or the Chancellor's designee shall meet with the GRP and the OC representative prior to rendering the final decision.
c. The Chancellor's decision is final.
d. Upon rendering of the final decision, the Chancellor will notify the grievant, respondent, GRP and Oversight Committee representative regarding the final outcome and remedies, if any.

8. Grievant's acceptance of the final decision:

    a. Once a decision is final, the grievant has 15 calendar days to provide written acceptance or non-acceptance of the decision and any recommended remedies.
    b. The grievant uses the Grievance Acceptance Form (a copy of which is attached in Appendix C) to file a response to the final decision.

9. If the grievant fails to provide a written acceptance of the final decision or submits a Grievance Acceptance Form that rejects the final decision, the grievant suffers the loss of all remedies favorable to the grievant.
10. Grievant's legal rights:

    a. Upon acceptance of the final decision, the grievant waives the right to bring a lawsuit concerning any matters that were a subject of the grievance.
    b. If a lawsuit related to the substantive content of the grievance is initiated at any time, then this grievance process will immediately end and the grievant and the respondent are immediately released from requirements imposed by Section 370.010C.12.
    c. Upon rejection of the final decision, the grievant and the respondent are released from the confidentiality requirements imposed by Section 370.010C.12.

11. Oversight:

    a. There will be a Faculty Council/Senate Oversight Committee (OC), whose purpose will be to monitor the Grievance process as neutral observers and provide feedback on the process to the

Faculty Council or Faculty Senate, the faculty and the Provost's and Chancellor's Office.

i. The OC will consist of 3-5 tenured faculty appointed by Faculty Council or Faculty Senate for up to three year staggered terms.
ii. Chair of the OC will be a member of the Faculty Council or Faculty Senate.

b. OC monitoring of individual grievances:

i. A member of the OC will be appointed to each grievance case following receipt of the Grievance Filing Form by the GRP. OC members will rotate grievance case membership unless a conflict of interest is identified.
ii. The OC representative will sit in on all GRP deliberations and will be copied on all correspondence. If during deliberations, the OC member has process or procedural concerns, the member may raise the concerns with the GRP, without the grievant or respondent or any other parties present.
iii. The OC representative is an observer: The OC representative may not participate in the deliberations or rendering of findings and recommendations by the GRP.
iv. GRP requests for extensions of up to two weeks may be approved by the OC representative on that case. Any additional requests for extensions must be approved by the OC. The OC shall rule on such requests within five calendar days from the receipt of the request.
v. The OC representative shall not discuss the ongoing grievance with anyone, including other OC members, except any information necessary to the OC committee decision regarding time extension requests from the GRP.
vi. At the close of each grievance case, the OC representative shall present to the other OC members, and the GRP, a summative and evaluative report of the process as it relates to that particular case. These reports will not reveal any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant.

c. OC monitoring of the grievance process:

i. The OC will continually monitor the overall grievance process.

ii. On a yearly basis the OC shall present a summative and evaluative report to Faculty Council or Faculty Senate Executive Committee, the Provost and the Chancellor.

iii. The OC will monitor the implementation of remedies resulting from the final grievance decision by communication with relevant parties, and in cases in which remedies are not being implemented the Faculty Council/ Faculty Senate will be notified.

12. Confidentiality:

a. All parties involved (grievant, respondent, GRP and OC) must agree to maintain strict confidentiality regarding any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant. The substance of the cases shall not be discussed at any time, before or after a final decision is made, except as provided in Section 370.010 C.5.b.iii, and 370.010 C.10.c.

- Appendix A (MS Word)
- Appendix B (MS Word)
- Appendix C (MS Word)

Appendix A

Case #: _____(To Be Assigned by GRP)

Grievance Filing Form

Date of Filing this Form: _____

Name: _____

Contact Information (address, phone, email):

Instructions for Questions Associated with Roman Numeral I - III:

The Collected Rules and Regulations list three categories of grievances and these are listed below in Italics (see I, II, and III). Check the box(es) associated with the category or categories of the grievance you are filing. For each relevant category, answer the questions that follow by attaching a separate word document or inserting pages at the end of this document. Please number your responses in accordance with the numbering system employed below (e.g. I-a; III-b, etc.).

☐ ***I. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of written University rule, policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.***

1) List the specific written University rule, policy, regulation or procedure that was violated, misinterpreted, or discriminatorily applied. Either cite the specific Collected Rules and Regulations number or attach relevant policies (e.g., department bylaws). If there is more than one alleged violation, list each separately.
    a) For each alleged violation, list the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
    b) For each alleged violation, describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
    c) The description of each grieved act is limited to three double-spaced pages (Times New Roman, 12 point).

☐ ***II. The faculty member has been discriminated against on the basis of race, color, religion, sex, gender identity, gender expression, national origin, age, disability, status as a Vietnam era veteran, or sexual orientation***.

1) List specific type(s) of discrimination(s) that is (are) alleged to have been violated.
    a) For each alleged violation, list the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
    b) For each alleged violation, describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
    c) The description of each grieved act is limited to three double-spaced pages (Times New Roman, 12 point)

☐ ***III. There has been an infringement on the academic freedom of the faculty member.***

(For information on academic freedom, see the Collected Rules and Regulations, Section 310.010).

a) List the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days

after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.

b) Describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
c) The description of each grieved act is limited to three double-spaced pages (Times New Roman, 12 point)

Instructions for Roman Numeral IV - VIII:

Answer the questions that follow by attaching a separate word document or inserting pages at the end of this document. Please number your responses in accordance with the numbering system employed below (e.g. IV, V, etc.).

IV. Please specify in detail any attempts made for informal resolution. The description of such attempts is limited to one double-spaced page (Times New Roman, 12 point). Please note the grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.

V. If you have any relevant evidence/attachments that you would like the Grievance Resolution Panel (GRP) to consider, please include them. You must refer to any attachments in your replies to the questions above so that the relevance of each attachment is clear.

VI. If desired, please list any additional sources of information, including persons with knowledge. Please specify the type of information available through these additional sources and the relevance of this information to the alleged violations.

VII. The grievant may also request that the GRP gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university entity, the *GRP* will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s). Please list any such information and its relevance to the alleged violations.

VIII. Have you filed a lawsuit related to the substantive content of the grievance?

PLEASE NOTE THAT INCOMPLETE FILING FORMS OR FILING FORMS THAT DO NOT COMPLY WITH THE DIRECTIONS ABOVE WILL BE RETURNED.

Columbia Campus: Send form and responses to GRP@missouri.edu
UMKC Campus: Send form and responses to GRP@umkc.edu
MO S&T Campus: Send form and responses to GRP@mst.edu
UMSL Campus: Send form and responses to grievance@umsl.edu

Collected Rules and Regulations 390.010
Discrimination Grievance Procedure for Students
Chapter 390: Student Discrimination Grievances

Bd. Min. 12-17-82, Bd. Min. 1-25-90, Amended Bd. Min. 10-16-03, Amended Bd. Min. 11-29-07; Amended Bd. Min. 6-19-14.

A. **General**

1. It is the policy of the University of Missouri to provide equal opportunity for all enrolled students and applicants for admission to the University on the basis of merit without discrimination on the basis of their race, color, religion, sex, gender identity, gender expression, sexual orientation, national origin, age or disability, or Vietnam era veteran status. Sexual harassment shall be considered discrimination because of sex. This policy shall not be interpreted in such a way as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.
2. To insure compliance with this policy, all University of Missouri prospective or enrolled students shall have available to them this student discrimination grievance procedure for resolving complaints and/or grievances regarding alleged discrimination.
3. This grievance procedure neither supersedes nor takes precedence over established University procedures of due process for any and all matters related to Academic Dishonesty, Grade Appeals, Traffic Appeals,

Disciplinary Appeals, or other specific campus procedures which are authorized by the Board of Curators and deal with faculty/staff responsibilities.

4. These proceedings may be terminated at any time by the mutual agreement of the parties involved.

NOTE: A grievance concerning specific incidents filed under this discrimination grievance procedure shall not be processed on behalf of any student who elects to utilize another University grievance procedure. In addition, the filing of a grievance under these procedures precludes the subsequent use of other University grievance or appeals procedures for the same incident.

B. **Definitions**

1. **A complaint is** an informal claim of discriminatory treatment. A complaint may, but need not, constitute a grievance. Complaints shall be processed through the informal procedure herein set forth.
2. **A grievance is** the written allegation of discrimination which is related to:
    a. Recruitment and admission to the institution.
    b. Admission to and treatment while enrolled in an education program.
    c. Employment as a student employee on campus.
    d. Other matters of significance relating to campus living or student life, including, but not limited to:
        - Assignment of roommates in resident halls
        - Actions of fraternities and sororities
        - Membership in and/or admission to clubs/ organizations
        - Student Health Services
        - Financial aid awards

3. **A student is** any person who has applied for admission or readmission, or who is currently enrolled, or who was a student of the University of Missouri at the time of the alleged discrimination.
4. **Persons with disabilities** -- For the purpose of this student discrimination grievance procedure, a "person with a disability" has been substituted for "handicapped individual" (Section 504, Rehabilitation Act of 1973) and shall be defined as "...any person who
    a. Has a physical or mental impairment which substantially limits one or more of such person's major life activities.
    b. Has a record of such impairment, or
    c. Is regarded as having such an impairment."

    For purpose of this definition, "major life activity" means any mental or physical function or activity which, if impaired, creates a substantial barrier to employment and/or education.

    Any reference in this document to written materials or to written oral presentations within the student discrimination grievance procedure may be adjusted to accommodate persons with disabilities for whom the stated materials or required presentations would not be appropriate. Cost of such accommodation will be borne by the University, with no charge to the individual.

5. **Appropriate Administrative Officer** -- The primary administrative officer on the staff of the Chancellor (in the area of Student Affairs/Services, Administrative Services, Development, and Academic Affairs) having administrative responsibility for the unit in which the discrimination is alleged to have occurred.
6. **Grievance Consultant** -- At any step the Director of Equal Opportunity or of Affirmative Action may be asked to serve as a consultant by any of the parties involved in this grievance procedure.

C. **Complaints**

1. **Policies and Procedures** -- A student with a complaint will be provided with copies of appropriate policies and procedures pertaining to student complaints and grievances, and the Chief Student Personnel Administrator or his/her designee and the Officer or Equal Opportunity or for Affirmative Action shall be available to assist the student in understanding the opportunities afforded through such policies and procedures. The student may choose to have an advisor participate in any stage of the grievance procedures, subject to the restrictions of the hearing procedures set forth in Section 390.010 F.
2. **Joint Complaint** -- If more than one student is aggrieved by the same action, these students may, by mutual written agreement among themselves, file with the Chief Student Personnel Administrator a complaint and pursue their complaints jointly under this grievance procedure. If the number of students in such a case is so large as to make it impracticable for them to be heard individually in a joint proceeding, they may, by mutual agreement, elect one or more of their number to act on behalf of them all.
3. **Students may** informally discuss a complaint with the relevant supervising administrator. Every reasonable effort should be made to resolve the matter informally at this administrative level. If a satisfactory resolution is not reached, the student may pursue the matter through each level of administrative jurisdiction up to and including the Appropriate Administrative Officer, or file a grievance within the time specified in D.1.b.
4. **Complaints Involving Recruitment**
    a. Undergraduate applicants must first present complaints about recruitment to the Director of Admissions. If a satisfactory resolution is not reached, the applicant may appeal the matter to the immediate supervising officer of the Director of Admissions.
    b. Applicants for graduate study may request a meeting with the academic department head and the Dean of the College for those campuses having schools or colleges, or their designees, who are

actually involved in the recruitment effort to discuss the matter informally. If a satisfactory resolution is not reached, the applicant may appeal to the Dean of the Graduate School/Vice Provost for Graduate Studies and finally to the Appropriate Administrative Officer.

5. **Complaints Involving Admissions** (Undergraduate or Professional)

    a. Undergraduate and professional student applicants shall present complaints to the Director of Admissions or to the Dean of the School or College, depending upon where the application was originally filed.

    b. This University official shall compare the person's academic qualifications against the official University admissions criteria and review the denial. If the denial is sustained, officials' immediate supervisor or to the appropriate admissions committee.

6. **Complaints Involving Admissions (Graduate)** -- Applicants to the Graduate School may ask for a meeting with the academic department head of the program to which the applicant was seeking admission. This official shall explain the reasons for the denial of recommendation for admissions. If a satisfactory resolution is not reached, the applicant may then appeal to the Dean of the Graduate School/Vice Provost for Graduate Studies or to the appropriate admissions committee. If the denial is upheld, the applicant may appeal the decision to the appropriate administrative officer.

7. **Complaints Involving Admissions to or Treatment in an Educational Program or in the Granting of Assistantships** -- An undergraduate or graduate student enrolled at the institution who has a discrimination complaint involving admission to or treatment in an educational program or in the granting of assistantships may request a conference with the appropriate department head and with the Dean of the School or College (or the Dean's designee) on those campuses having schools or colleges to discuss the matter informally. If a satisfactory resolution is not reached, the student may present a grievance pursuant to Section 390.010 F.

8. **Complaints Involving Nonacademic Matters Related to Campus Living and Student Life** -- A currently enrolled student who has a University-related complaint concerning discrimination in nonacademic matters including but not limited to assignment of roommates, actions of fraternities and sororities, membership in and/or admissions to clubs/organizations, student health services and financial aid awards may request a conference with the appropriate administrative supervisor, department head and/or director to discuss the matter informally. If a satisfactory resolution is not reached, the student may present a grievance pursuant to Section 390.010 D.
9. **Complaints Involving Student Employment on Campus** -- A student enrolled at the University who alleges that discrimination occurred either in applying for work or while working as a student employee at a University job may request a conference with the supervisor, department head or director of the employing unit to discuss the matter informally. If a satisfactory resolution is not reached, the student may present a grievance pursuant to Section 390.010 D.
10. **Complaints Involving Financial Aid** (Undergraduate, Graduate, Professional):
    a. Undergraduate, graduate, and professional student aid applicants shall present complaints to the Director of Student Financial Aid where the application was originally filed or the award originally made.
    b. This University official shall compare the person's financial and academic qualifications against the official University financial aid criteria and review the award, amount, or denial of the aid. If the original judgment is sustained, the applicant may appeal this decision to the official's immediate supervisor or to the appropriate financial aid committee.

D. **Initiating a Grievance**

1. **Policies and Procedures** -- A student with a grievance will be provided copies of appropriate policies and procedures pertaining to student complaints and grievances, and the Chief of Student Personnel Administrator or designee and the Office for Equal Opportunity or for Affirmative Action shall be available to assist the student in understanding the opportunities afforded through such policies and procedures. The student may choose to have an advisor participate in any stage of the grievance procedure, subject to the restrictions of the hearing procedures set forth in Section 390.010 F.

    a. **Joint Grievance** -- If more than one student is aggrieved by the same action, these students may, by mutual written agreement among themselves, file with the Chief Student Personnel Administrator a grievance and pursue their grievances jointly under this grievance procedure. If the number of students in such a case is so large as to make it impractical for them to be heard individually in a joint proceeding, they may, by mutual agreement, elect one or more of their number to act on behalf of all of them.

    b. **Regardless of their nature**, all discrimination grievances are to be filed with the Chief Student Personnel Administrator. A grievance must have been filed by a student within one-hundred-eighty (180) calendar days of the date of the alleged discriminatory act.

2. **Filing a Grievance**

    a. All grievances must be presented in writing and contain the following information:

    (1) A clear concise statement of the grievance which includes the name of the person(s) against whom the grievance is made, the date(s) of the alleged discrimination and a statement describing the specific supporting evidence;

    (2) A brief summary of the prior attempts to resolve the matter

which includes the names of persons with whom the matter was discussed and the results of those previous discussions;

(3) A specific statement of the remedial action or relief sought.

b. Within seven (7) working days, the original grievance form with an explanation will be returned to the student if, in the judgment of the Chief Student Personnel Administrator, the statements are vague or do not meet the above requirement. The student may make the necessary corrections, and resubmit the grievance within seven (7) days.

3. Any grievance not filed within the time limits specified in Section 390.010 D.1.b shall be deemed waived by the grievant. The Chief Student Personnel Administrator may extend the time limits only if adequate cause for an extension of the time limits can be shown by the student.

4. For informational purposes, copies of the grievance shall be forwarded to the Appropriate Administrative Officer and the Director of Equal Employment and/or Affirmative Action.

5. Within fifteen (15) working days of receipt of a grievance that satisfies the requirement of Section 390.010 D.1.b, the Appropriate Administrative Officer with the consent of the parties involved may establish an informal hearing with the aggrieved student, the responding faculty/staff/organization, the respondent's supervisor and the Appropriate Administrative Officer's designee. The Appropriate Administrative Officer shall not involve himself/herself in this meeting. If the informal means of resolving the grievance fails, a grievance committee will be impaneled as called for in Section 390.010 E.1.

E. **Formation of Grievance Committee**

1. It the Appropriate Administrative Officer's responsibility to initiate the selection of the grievance committee within fifteen (15) working days after the request for the formation of a grievance committee or after the completion of the informal hearing provided for in Section 390.010 F.5 without satisfaction to the grievant.

2. A grievance hearing panel shall be established by October 1 of each year from which a grievance committee should be constituted. The panel shall consist of ten (10) faculty, ten (10) staff and ten (10) students. Selection of the panel will be made by the Chief Student Personnel Administrator from recommendations by the appropriate faculty, staff and student associations. Selection of membership will consider sex, race, disability, academic rank, student classification and employee classification. Membership on the hearing panel shall be for two years. A member's term shall expire on September 30 of the second year unless he/she is serving at that time on a hearing committee still in the process of reviewing an unresolved grievance. In such case, the member's term shall expire as soon as the committee has submitted a written report of its findings and recommendations to the Appropriate Administrative Officer.

3. A hearing committee shall be composed of five (5) members. The grievant shall select two (2) members from the grievance hearing panel provided by the Chief Student Personnel Administrator. The responding faculty/staff/organization shall select two (2) members from the grievance hearing panel. Both parties should have their selection made within 15 working days of the receipt of the request. The four committee members shall then select an additional member from the grievance hearing panel to serve as chair. Neither members of the immediate departmental unit nor student members of pertinent student organizations involved in the grievance shall be eligible to serve on the committee.

4. Any person selected to a grievance committee will be expected to serve on such committees and to be present at all sessions. If a member is absent

from a single session, he/she will be required to review all tapes or transcribed proceedings of that session prior to the next meeting of the committee. Should a member be absent from two sessions or should a member request to be excused from service for reasons of illness, necessary absence from the campus or other hardship, then the member shall be replaced in the same manner used in the original selection (see Section 390.010 E.3). If a member is unable or ineligible to serve for whatever reason, the replacement shall review all tapes or written transcripts and all submitted evidence prior to service on the committee. Five members of the hearing committee, duly selected as in Sections 390.010 E.3 and E.4 must attend the opening and closing session of the hearing.

F. **Hearing Procedures for Formal Grievances**

1. It shall be the responsibility of the Appropriate Administrative Officer to coordinate the procedure contained herein, to make provisions for hearing rooms, to coordinate secretarial and recording services and to otherwise serve the grievance committee as needed.

2. At the first organizational meeting of the grievance committee, the committee shall elect a chairperson from among the members to preside over subsequent meetings. Then the chairperson shall schedule a hearing at the earliest convenient time when all affected parties can be present.

3. A quorum consists of a minimum of four members of the committee except as provided by Section 390.010 E.4.

4. The grievance committee shall invite the grievant and the responding person to all hearings. Attendance at the hearings shall be limited to persons who have an official connection with the case as determined by the chairperson. The grievant and the responding person may choose to be accompanied by an advisor. Others whose participation in the hearing is

considered essential in order to assist the committee in establishing the facts of the case shall appear before the committee only long enough to give testimony and to answer questions of committee members.

5. It is within the duties and responsibilities of all members of a grievance committee to commit themselves to observe procedures consistent with fairness to all parties concerned. For example, it is a matter of principle that members of the grievance committee will not discuss a case with anyone outside of the hearing process and that their finding will not be influenced by anything other than the evidence presented to them in meetings in which all affected parties are present.

6. The grievance committee shall set forth the rules of procedure for the hearing within the guidelines set forth herein. The chairperson may, for good cause and with the concurrence of a majority of the entire committee, authorize deviation from the suggested format, in which case the principal parties shall be notified.
    a. The grievant shall be heard first in all phases of a grievance hearing and shall be primarily responsible for the presentation of his/her position.
    b. The advisor of the grievant or respondent may advise that person and may briefly explain his or her position but shall not be permitted to testify or to cross-examine.
    c. A reasonable time limit should be established for opening and closing statements and shall be announced prior to the hearing.
    d. Length of hearing sessions may be established in advance; every effort should be made to conduct the hearing as expeditiously as possible, with equal fairness to both parties.
    e. The interested parties shall provide the chairperson with the names of the advisor and potential witnesses at least forty-eight (48) hours prior to the hearing. It is the responsibility of the interested party,

working with the chairperson, to ensure the presence of these individuals in a timely manner.

f. After initial witnesses for both parties have been heard, such witnesses may be recalled for additional questioning if requested by either party or the grievance committee. The committee may call new witnesses whose testimony it deems relevant or helpful.

g. In order to promote the truthful, unfettered exchange of information and ideas, all testimony pertaining to the grievance hearing shall be held in confidence.

h. Only evidence relevant to the grievance may be introduced. Questions regarding the admissibility of evidence shall be decided by the chairperson.

7. At any point in the proceedings prior to the time at which the committee reaches its final decision, the grievant may withdraw any portion or all of the grievance with the consent of a majority of the committee members and of the respondent. In all cases of withdrawal at the consent of the committee and of the respondent, the grievant shall not have the privilege of reopening the same grievance at any time in the future. In the event that the student refuses to participate further in the committee hearing, the committee may choose to continue the case or to move to closure with an appropriate closing statement as per Section 390.010 F.9.

8. A confidential tape recording of the grievance hearing shall be made and will be accessible to the parties involved, the committee, the Appropriate Administrative Officer, the Chancellor, the President, members of the Board of Curators and authorized representatives on a need-to-know basis. Either party to the grievance may request that the committee provides a written transcript of testimony. The cost of preparation of such a transcript is to be paid by the party making such request unless Section 390.010 B.4 is applicable. After the report of the grievance committee has been prepared, the tapes and relevant materials will be sealed and filed in the

Appropriate Administrative Office. Unless extraordinary circumstances apply, these materials will be destroyed at the end of five years.

9. At the conclusion of the grievance hearing, the members of the grievance committee shall meet in closed session to deliberate upon their findings. A majority vote of the entire committee shall be required on all decisions. The grievance committee shall make a written report on findings and recommendations to the Appropriate Administrative Officer of the University, with copies to the grievant(s) and the responding person(s). The written report will contain:
    a. A statement of the purpose of the hearing,
    b. Issues considered,
    c. A summary of the testimony and other evidence presented,
    d. Findings of fact as developed at the hearing, and
    e. Recommendations for final disposition of the case.

10. The Appropriate Administrative Officer will make his/her decision. This decision and the actions that have been taken shall be presented to both parties in writing. If the administrator officer does not accept the recommendations of the grievance committee, a written statement of the reasons for so ruling must be given to both parties and to the chairperson of the committee.

11. If requested by the grievant or the responding party, normally within seven (7) calendar days of the notification of the decision, the decision of the Appropriate Administrative Officer may be subject to a review of the records by the Chancellor. Any review and decision by the Chancellor shall be made normally within thirty (30) calendar days. The decision of the Chancellor can be appealed to the President, who shall have thirty (30) calendar days in which to make a decision, which shall be final.

12. Grievances shall receive prompt attention. The hearing and the report of the grievance committee shall normally be completed within sixty (60) calendar days of the formation of the grievance committee, and a final decision shall be made by the Appropriate Administrative Officer normally within ten (10) calendar days thereafter. In any case in which these time schedules should prove to be inadequate, the committee shall present, in writing, an amended time schedule to all parties involved.

Student Discrimination Grievance Procedure Form

(Use additional sheets if needed)

1. Your Name
   Check One .....Male: Female

   Student I.D. No. Mailing Address
   City State Zip Code
   Telephone

2. Submitted to (Campus specific title for Chief Student Personnel Administrator) on:
   Month Day Year

3. The basis for the grievance is alleged discrimination on the basis of:

   Race Color Religion Sex Sexual Orientation Gender Identity Gender Expression National Origin Age Disability

4. University official or unit against whom this grievance is filed:

   Name Department

5. Explain in a clear and detailed statement the following:

a. The nature of the grievance and a description of specific supporting evidence:

b. The specific remedial action or relief sought:

*For grievances alleging discrimination to admission and/or treatment while enrolled in an educational program, employment on campus, or other matters of consequence relating to campus living or activities.

c. A summary outlining with whom the point(s) of dissatisfaction were discussed and with what results:

6. Date you consider the "Informal discussion" ended:

I have read and understand the above grievance form and grievance procedure for students. This grievance I am filing to the best of my knowledge, information or belief.

Signature Date

This form forwarded to (Appropriate Administrative Officer)

on by Month Day Year (Campus-specific title for Chief Student Personnel Administrator)
(Campus Address)
cc: Director of Employee Relations/Affirmative Action

Suggested Format for Hearing

I. Opening remarks accompanied by written submission of parties' outlines of relevant, non-redundant evidence to be offered to committee.
   1. Grievant
   2. Respondent

II. Consideration of any decision on objections to acceptance of items of evidence.

III. Presentation of relevant, non-redundant evidence.

a. Grievant (with additional questions from Respondent and/or committee)

1. Witnesses

2. Non-testimonial evidence

b. Respondent (with additional questions from Grievant and/or committee)

1. Witnesses

2. Non-testimonial evidence

IV. Opportunity for presentation of any rebuttal evidence.

a. Grievant

b. Respondent

V. Presentation of additional evidence requested by committee.

VI. Summation of case

a. Grievant

b. Respondent

Governance, Resources and Planning Committee

2014 Campus Master Plan Update, MU – presented by Chancellor Loftin and Interim Vice Chancellor for Operations, Gary Ward (slides and information on file)

It was recommended by Chancellor Loftin, endorsed by President Wolfe, recommended by the Governance, Resources and Planning Committee, moved by Curator Goode and seconded by Curator Bradley, that the following action be approved:

that the 2014 University of Missouri-Columbia Campus Master Plan Update be approved (as on file with the minutes of this meeting).

Roll call vote Full Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Audit Committee

Chairwoman Henrickson provided time for discussion of committee business.

Information
1. Internal Audit Quarterly Report, UM (information and slides on file)

Action
1. Approval, 2015 Internal Audit Engagement, UM

It was recommended by Interim Vice President Richards, endorsed by President Wolfe, recommended by the Audit Committee, moved by Curator Henrickson seconded by Curator Bradley, that the following action be approved:

> That the Interim Vice President for Finance be authorized to employ the firm of PricewaterhouseCoopers LLP to provide Internal Audit services to the University of Missouri for a one-year term from November 1, 2014 through October 31, 2015, for a base fee of $1,220,000, plus expenses not to exceed 15% of fees annually unless approved by the University.

Roll call vote of the Board of Curators:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode was absent for vote.

Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Finance Committee

Chairwoman Covington provided time for discussion of committee business.

Information

1. PwC Review of Finance Function, UM (information and slides on file)
2. Fiscal Year 2016 Preliminary Operating Appropriations Request, UM (information and slides on file)
3. Fiscal Year 2016 Preliminary State Capital Appropriations Request Overview, UM (information and slides on file)
4. Project Design, New College of Business Administration Building – Phase One, UMSL (information on file)

Action

1. Fiscal Year 2015 Operating Budget, UM
2. Project Approval, Patient Centered Care Learning Center – School of Medicine Expansion, MU
3. Project Approval, New Residential Housing, Missouri S&T
4. Revised Project Budget and Funding Approval, Swallow Hall Renovation/Reconstruction, MU

Fiscal Year 2015 Operating Budget, UM – presented by Vice President Richards (slides and information on file)

It was recommended by the respective Chancellors, endorsed by President Wolfe, recommended by the Finance Committee, moved by Curator Covington and seconded by Curator Phillips, that the following recommendations be approved:

- that the President of the University System be authorized to develop the FY2015 budgets in accordance with the attached planning assumptions and financial summaries which include the allocation of FY2015 recurring state appropriations less 3.0% statutory withholdings and spending restrictions

imposed by the Governor as follows:

FY2015 Gross Appropriations

General Operations	$407,511,996
UMKC MSU Pharmacy Doctorate Program	2,000,000
MU Medical School Expansion	10,000,000
Funding for Improved Outcomes	21,013,520
UMKC Neighborhood Initiative Program	500,000
UMSL Equity	1,400,000
UMSL International Collaboration with Israel	300,000
Missouri Federal and State Technical Program	340,000
Missouri Rehabilitation Center	10,337,870
Missouri Kidney Program	1,750,000
Missouri Telehealth Network	1,937,640
Spinal Cord Injury Research	1,500,000
State Historical Society	2,210,855
MOREnet (one-time)	3,000,000

- that the President of the University System be authorized to allocate one-time or recurring line-item state appropriations, net of anticipated withholdings;

- that the President of the University System be authorized to: (a) make required changes to working capital and reserve funds and (b) make supplemental allocations within the funds available to the several campuses and programs, such allocations to be made on the basis of priority and need. The President will report periodically to the Board of Curators any material changes in sources and uses of current funds;

- that the operating budget for FY2015 and allocation as stated herein can be modified as necessary by the President to bring the same into harmony with the state appropriations as finally approved by the governor and any withholdings in excess of those shown above.

Roll call vote full Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.

Curator Steward voted yes.

The motion carried.

Project Approval, Patient Centered Care Learning Center – School of Medicine Expansion, MU – presented by Vice President Richards (information on file)

It was recommended by Chancellor Loftin, endorsed by President Wolfe, recommended by the Finance Committee, moved by Curator Covington and seconded by Curator Steward, that the following action be approved:

the project approval for the Patient Centered Care Learning Center – School of Medicine Expansion project for the University of Missouri-Columbia.

Funding of the project budget is from:	
Revenue Bonds	$30,500,000
State Appropriations	12,000,000
Total Funding	$42,500,000

Roll call vote Full Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Project Approval, New Residential Housing, Missouri S&T – presented by Vice President Richards (information on file)

It was recommended by Chancellor Schrader, endorsed by President Wolfe, recommended by the Finance Committee, moved by Curator Covington and seconded by Curator Phillips, that the following action be approved:

the project approval for the new residential housing project for Missouri University of Science and Technology.

Funding of the project budget is from Revenue Bonds: $30,000,000

Roll call vote of the Board:

Curator Bradley was absent for vote.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Revised Project Budget and Funding Approval, Swallow Hall Renovation/Reconstruction, MU – presented by Vice President Richards (information on file)

It was recommended by Chancellor Loftin, endorsed by President Wolfe, recommended by the Finance Committee, moved by Curator Covington, and seconded by Curator Goode, that the following action be approved:

that the previously approved project budget for the Swallow Hall Renovation and Reconstruction be increased from $11,500,000 to $16,944,800 and to fund the $5,444,800 increase from Campus Facilities Reserves ($5,244,800) and the College of Arts and Sciences ($200,000) for the University of Missouri-Columbia.

Funding of the project budget is from:

Revenue Bonds Refinancing	$ 8,600,000
Campus Facilities Reserves	8,144,800
College of Arts & Sciences	200,000
Total Funding	$16,944,800

Roll call vote Full Board:

Curator Bradley was absent for vote.
Curator Covington voted yes.

Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

The public session of the Board of Curators meeting recessed at 4:40 P.M.

BOARD OF CURATORS MEETING – EXECUTIVE SESSION

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 4:50 P.M., on Thursday, June 19, 2014, in the Donrey Media Room of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Miss Tracy Mulderig, Student Representative to the Board of Curators
Mr. Tom Richards, Treasurer and Interim Vice President of Finance
General Business

Executive Vice President Foley joined the meeting.

Curators' Professor, Gary Stacey, MU – presented by Executive Vice President Foley

It was recommended by Chancellor R. Bowen Loftin, endorsed by President Timothy M. Wolfe, recommended by the Academic, Student and External Affairs Committee, moved by Curator Cupps, and seconded by Curator Bradley, that the following action be approved:

> that upon the recommendation of Chancellor Loftin, the Interim Provost, and the Executive Vice President for Academic Affairs, it is recommended that Professor Gary Stacey be named to the position University of Missouri Curators' Professor, effective September 1, 2014. Professor Stacey will receive a $10,000 annual stipend as long as he holds this position. $5,000 will go to increased compensation (salary and benefits less applicable taxes) with the remaining $5,000 available for professional expenses associated with his teaching, research, or creative activities. In accordance with Collected Rules and Regulations, 320.070, this appointment is for a period of five years which may be renewed at the discretion of the Chancellor.
>
> Campus recommendation materials are on file in the office of Academic and Student Affairs, UM System.
>
> Roll call vote of Board:
>
> Curator Bradley voted yes.
> Curator Covington voted yes.
> Curator Cupps voted yes.
> Curator Downing voted yes.
> Curator Goode voted yes.
> Curator Henrickson voted yes.
> Curator Phillips voted yes.
> Curator Steward voted yes.
>
> The motion carried.

<u>Curators' Professor, John Walker, MU</u> – presented by Executive Vice President Foley

It was recommended by Chancellor R. Bowen Loftin, endorsed by President Timothy M. Wolfe, recommended by the Academic, Student and External Affairs

Committee, moved by Curator Cupps, and seconded by Curator Bradley, that the following action be approved:

that upon the recommendation of Chancellor Loftin, the Interim Provost, and the Executive Vice President for Academic Affairs, it is recommended that Professor John Walker be named to the position University of Missouri Curators' Professor, effective September 1, 2014. Professor Walker will receive a $10,000 annual stipend as long as he holds this position. $5,000 will go to increased compensation (salary and benefits less applicable taxes) with the remaining $5,000 available for professional expenses associated with his teaching, research, or creative activities. In accordance with Collected Rules and Regulations, 320.070, this appointment is for a period of five years which may be renewed at the discretion of the Chancellor.

Campus recommendation materials are on file in the office of Academic and Student Affairs, UM System.

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Curators' Professor, Carol Ward, MU – presented by Executive Vice President Foley

It was recommended by Chancellor R. Bowen Loftin, endorsed by President Timothy M. Wolfe, recommended by the Academic, Student and External Affairs Committee, moved by Curator Cupps, and seconded by Curator Bradley, that the following action be approved:

that upon the recommendation of Chancellor Loftin, the Interim Provost, and the Executive Vice President for Academic Affairs, it is recommended that Professor Carol Ward be named to the position University of Missouri Curators' Professor, effective September 1, 2014. Professor Ward will receive a $10,000 annual stipend as long as she holds this position. $5,000 will go to increased compensation (salary and benefits less applicable taxes) with the remaining $5,000 available for professional expenses associated with her teaching, research, or creative activities. In accordance with Collected Rules and Regulations, 320.070, this appointment is for a period of five years which may be renewed at the discretion of the Chancellor.

Campus recommendation materials are on file in the office of Academic and Student Affairs, UM System.

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Curators' Professor Zhonghua Peng, UMKC – presented by Executive Vice President Foley

It was recommended by Chancellor Leo Morton, endorsed by President Timothy M. Wolfe, recommended by the Academic, Student and External Affairs Committee, moved by Curator Cupps, and seconded by Curator Bradley, that the following action be approved:

that upon the recommendation of Chancellor Morton, the Provost, and the Executive Vice President for Academic Affairs, it is recommended that Professor Zhonghua Peng be named to the position University of Missouri Curators' Professor, effective September 1, 2014. Professor Peng will receive a $10,000 annual stipend as long as he holds this position. $5,000 will go to increased

compensation (salary and benefits less applicable taxes) with the remaining $5,000 available for professional expenses associated with his teaching, research, or creative activities. In accordance with Collected Rules and Regulations, 320.070, this appointment is for a period of five years which may be renewed at the discretion of the Chancellor.

Campus recommendation materials are on file in the office of Academic and Student Affairs, UM System.

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Curators' Professor, William Everett, UMKC – presented by Executive Vice President Foley

It was recommended by Chancellor Leo Morton, endorsed by President Timothy M. Wolfe, recommended by the Academic, Student and External Affairs Committee, moved by Curator Cupps, and seconded by Curator Bradley, that the following action be approved:

that upon the recommendation of Chancellor Morton, the Provost, and the Executive Vice President for Academic Affairs, it is recommended that Professor William Everett be named to the position University of Missouri Curators' Professor, effective September 1, 2014. Professor Stacey will receive a $10,000 annual stipend as long as he holds this position. $5,000 will go to increased compensation (salary and benefits less applicable taxes) with the remaining $5,000 available for professional expenses associated with his teaching, research, or creative activities. In accordance with Collected Rules and Regulations, 320.070,

this appointment is for a period of five years which may be renewed at the discretion of the Chancellor.

Campus recommendation materials are on file in the office of Academic and Student Affairs, UM System.

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Executive Vice President Foley excused himself from the meeting.

Dr. Harold Williamson, Jr., Mr. Mitch Wasden, Mr. Kevin Necas and Mr. Robert Hess joined the meeting.

Approval, Formation and Participation in Regional Collaboration of Missouri Hospitals – presented by Dr. Harold Williamson, Jr. and Mr. Mitch Wasden (information on file)

It was recommended by Chancellor Loftin, endorsed by President Wolfe, moved by Curator Bradley and seconded by Curator Goode, that the following action be approved:

> that the President be authorized to negotiate and execute such agreements and take such other actions as may be appropriate in order to allow University of Missouri Health Care to authorize the formation of and participate as a member in a limited liability company whose powers and purposes include, among other things, establishing and operating a healthcare collaborative to achieve clinical integration among the Members and pursuing opportunities to improve healthcare services for residents of

Missouri. The foregoing authority may be delegated, in whole or in part, by the President to appropriate officers of the University, including the Vice Chancellor of the University of Missouri Health System and the Chief Executive Officer of University of Missouri Health Care, pursuant to a written authorization to be filed with the Offices of the President, Vice President for Finance, and Secretary of The Board of Curators.

Roll call vote Full Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

[246]Acquisition Approval, MU - this item is excluded from the minutes and may be given public notice upon completion of the matter.

Dr. Harold Williamson, Jr., Mr. Mitch Wasden, Mr. Kevin Necas and Mr. Robert Hess excused themselves from the meeting.

Report on property and contracts – presented by Vice President Richards

No action taken by the Board.

The Board of Curators executive session meeting recessed at 6:00 P.M. on Thursday, June 19, 2014.

University of Missouri System Awards Reception, Dinner and Program (By Invitation)
6:00 – 8:30 P.M.
Thursday, June 19, 2014
Hosted by the Board of Curators and President Timothy M. Wolfe

Location: Stotler Lounge, Memorial Student Union, University of Missouri campus, Columbia, Missouri

System Honorees (program on file)

Thomas Jefferson Award – Larry D. Gragg, Missouri University of Science and Technology

Student Entrepreneur of the Year – Zachary Beattie, University of Missouri-Columbia

C. Brice Ratchford Memorial Fellowship Award – David Patterson, University of Missouri – Columbia

President's Award for Community Engagement – Deborah L. Hume, University of Missouri – Columbia

President's Award for Cross-Cultural Engagement – Curt Elmore, Missouri University of Science and Technology

President's Award for Leadership – Mariesa L. Crow, Missouri University of Science and Technology

President's Award for Mentoring – Yinfa Ma, Missouri University of Science and Technology

President's Award for Service – Frank Schmidt, University of Missouri – Columbia

President's Award for Early Career Excellence – Richard Dawes, Missouri University of Science and Technology

President's Award for Sustained Career Excellence – Jeremy (Jerry) Taylor, University of Missouri – Columbia

President's Award for Innovative Teaching – Dorina Kosztin, University of Missouri – Columbia

President's Award for Economic Development – Hao Li, University of Missouri – Columbia

President's Award for Intercampus Collaboration – Erica Ottis (UMKC), Carla Dyer (MU), and Gretchen Gregory (MU)

BOARD OF CURATORS MEETING – PUBLIC SESSION

University of Missouri System Administration Breakfast and Presentation
8:00 – 8:45 A.M.
Friday, June 20, 2014
Topic: Getting It Right
Presenter: Eric Evans, Emergency Management Coordinator
Location: Columns Room A&B, Reynolds Alumni Center

A meeting of the University of Missouri Board of Curators reconvened in public session at 9:03 A.M., on Friday, June 20, 2014, in Columns Room 208 C, D & E of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Miss Tracy H. Mulderig, Student Representative to the Board of Curators
Dr. Gary Allen, Vice President for Information Technology
Dr. Henry "Hank" Foley, Executive Vice President of Academic Affairs
Dr. Thomas F. George, Chancellor for University of Missouri – St. Louis
Dr. R. Bowen Loftin, Chancellor for University of Missouri-Columbia
Mr. Leo E. Morton, Chancellor for University of Missouri – Kansas City
Mr. Tom Richards, Treasurer and Interim Vice President of Finance
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Dr. Robert W. Schwartz, Chief of Staff
Mr. John Fougere, Chief Communications Officer, UM System
Media representatives

General Business

Board Chairman's Report – Higher education funding - presented by Chairman Don Downing

Information Technology Annual Report – presented by Vice President Allen (slides on file)

University of Missouri Strategic Plan Highlights – presented by Chancellor Loftin (information and slides on file)

Consent Agenda

It was endorsed by President Wolfe, moved by Curator Bradley and seconded by Curator Covington, that the following items be approved by consent agenda:

1. Minutes, April 1, 2014 Executive Committee Meeting
2. Minutes, April 10-11, 2014 Board of Curators Meeting
3. Minutes, April 10-11, 2014 Board of Curators Committee Meetings
4. Minutes, April 28, 2014 Board of Curators Special Meeting
5. Minutes, May 1, 2014 Board of Curators Special Meeting
6. Degrees, Summer Semester 2014 for all campuses
7. Approval of Spinal Cord Injuries and Congenital or Acquired Disease Processes Research Program Proposals
8. Rescind, CRR 430.010 Procedures for Administration of the Research Assistance Act SB 426, UM
9. Retroactive Degree, UMKC

Roll call vote:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

1. Minutes, April 1, 2014 Executive Committee meeting – as provided to the curators for review and approval.

2. Minutes, April 10-11, 2014 Board of Curators meeting – as provided to the curators for review and approval.

3. Minutes, April 10-11, 2014 Board of Curators Committee Meetings – as provided to the curators for review and approval.

4. Minutes, April 28, 2014 Board of Curators Special meeting – as provided to the curators for review and approval.

5. Minutes, May 1, 2014 Board of Curators Special meeting – as provided to the curators for review and approval.

6. Degrees, Summer Semester 2014 for all campuses
That the action of the President of the University of Missouri System in awarding degrees and certificates to candidates recommended by the various faculties and committees of the four University of Missouri System campuses who fulfill the requirements for such degrees and certificates at the end of the Summer Semester 2014, shall be approved, and that the lists of said students who have been awarded degrees and certificates be included in the records of the meeting.

7. Approval of Spinal Cord Injuries and Congenital or Acquired Disease Processes Research Program Proposals
That the research proposals approved by the Spinal Cord Injuries Research Program Advisory Board be approved as presented and listed below.

Proposals Recommended For Funding
2014

I. Exploring the therapeutic potential of P2 nucleotide receptors in amyotrophic lateral sclerosis

Gary Weisman
Department of Biochemistry;
College of Agriculture, Food and Natural Resources
University of Missouri-Columbia

Total funding recommended $249,912

II. Genetic investigation of pediatric spinal deformity

Christina Gurnett

Neurology, Pediatrics, and Orthopedic Surgery
Washington University

Total funding recommended $250,000

III. Comprehensive miRNA analysis of specific cell types in spinal cord

Timothy M. Miller
Neurology
Washington University

Total funding recommended $250,000

8. Rescind, CRR 430.010 Procedures for Administration of the Research Assistance Act SB426, UM
That the Collected Rules and Regulations 430.010 Procedures for the Administration of the Research Assistance Act (SB 426) be rescinded.

Collected Rules and Regulations 430.010
Chapter 430: Research Assistance Act

430.010 Procedures for Administration of the Research Assistance Act (SB 426)

Bd. Min. 6-18-82; Bd. Min. 9-12-86; Bd. Min. 6-20-14.

This section of the Collected Rules has been rescinded per approval of the University of Missouri Board of Curators on June 20th, 2014.

9. Retroactive Degree, UMKC
That the action of a awarding retroactive degree to one candidate is recommended by the provost and the chancellor of the University of Missouri-Kansas City campus who fulfilled the requirements for such degree, shall be approved, and that said student and supporting materials be included in the records of the meeting.

Good and Welfare

Draft July 25, 2014 Board of Curators meeting agenda – no discussion (on file)

Curator Wayne Goode spoke and urged fellow Curators to think about the tax issues coming forward on future ballots and the possible impact on education.

Resolution, MU 175th Anniversary

It was endorsed by President Wolfe, recommended by Chairman Downing, moved by Curator Goode and seconded by Curator Steward, that the following resolution recognizing the 175th Anniversary of the University of Missouri-Columbia be approved:

RESOLUTION

WHEREAS, the University of Missouri was established in 1839 when 900 Boone County residents donated land and cash to establish the first public university west of the Mississippi River and the first state university in Thomas Jefferson's Louisiana Purchase territory; and

WHEREAS, MU established the first civil engineering program west of the Mississippi River in 1849, the nation's first College of Education at a public university in 1868, the world's first School of Journalism in 1908 and Missouri's first and only College of Veterinary Medicine in 1946; and

WHEREAS, MU started with a graduating class of two students in 1843 and has since become a global economic and scholarly powerhouse with an enrollment of 34,658 students and more than 271,000 living alumni worldwide; and

WHEREAS, MU is both a land-grant university and the largest public research university in Missouri with a statewide mission of service to citizens, including extension programs that provide university resources and expertise to people in all 114 Missouri counties and the City of St. Louis; and

WHEREAS, based on its quality of teaching, research and scholarship, MU was invited to become a member of the prestigious Association of American Universities (AAU) in 1908, joining 60 top-tier American universities; and

WHEREAS, MU has 18 schools and colleges and offers 317 degrees and certificates, including 70 online options, to help students reach their career and personal goals; and

WHEREAS, MU's values of Respect, Responsibility, Discovery and Excellence serve as the foundation of the university's mission of teaching, research, service and economic development; and

WHEREAS, MU's research expenditures have grown to more than $235 million annually; and

WHEREAS, MU is known for its collaborative, interdisciplinary culture and has incomparable expertise on a global scale in Food for the Future, One Health/One Medicine, Sustainable Energy and Media of the Future; and

WHEREAS, MU educates 26 percent of undergraduates, 24 percent of master's students, 36 percent of first-professionals and 60 percent of doctoral students at Missouri's public institutions; and

WHEREAS, with six hospitals, a School of Medicine, a School of Nursing and a School of Health Professions, the MU Health System is one of the most comprehensive health care networks in Missouri; and

WHEREAS, Mizzou's more than 520 student-athletes rank second in the Southeastern Conference for Academic Progress Rate; and

WHEREAS, MU is a $2.1 billion enterprise that operates 24/7 and accounts for 71 percent of the research dollars flowing to Missouri's public universities, generating new knowledge and jobs to power the state and national economies:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Curators, on behalf of the students, faculty, staff and alumni of the University of Missouri, and on behalf of the citizens of the state of Missouri, hereby adopts this resolution to honor the University of Missouri-Columbia for 175 years of extraordinary accomplishments as an institution of higher learning; and

BE IT FURTHER RESOLVED, that the Secretary of the Board of Curators cause this resolution to be spread upon the minutes of this meeting and that a duly inscribed copy thereof be furnished to Chancellor R. Bowen Loftin as representative of the entire MU community.

Roll call vote:

Curator Bradley voted yes.

Curator Covington voted yes.

Curator Cupps voted yes.

Curator Downing voted yes.

Curator Goode voted yes.

Curator Henrickson voted yes.

Curator Phillips voted yes.

Curator Steward voted yes.

The motion carried.

Resolution, MU Extension's Centennial Anniversary

It was endorsed by President Wolfe, recommended by Chairman Downing, moved by Curator Phillips and seconded by Curator Steward, that the following resolution recognizing the Centennial Anniversary of the University of Missouri Cooperative Extension Service be approved:

RESOLUTION

WHEREAS, the federal Morrill Act of 1862 led to the University of Missouri's status as a land-grant university in 1870, creating the College of Agriculture and Mechanic Arts (now the College of Agriculture, Food and Natural Resources) and widening opportunities for a university education to all citizens; and

WHEREAS, the United States Congress established the Cooperative Extension Service through the Smith-Lever Act in 1914, allowing universities to extend their services outside the classroom to citizens across the nation; and

WHEREAS, the Smith-Lever Act set the framework for an educational partnership among federal, state and local governments through land-grant universities; and

WHEREAS, this partnership has benefited the state of Missouri for 100 years through MU Extension, a trusted resource that brings relevant, reliable, responsive and research-based education to one million rural and urban citizens in all 114 Missouri counties and the City of St. Louis; and

WHEREAS, MU Extension faculty have made 2.3 million personal contacts with citizens, helping strengthen families, businesses and communities; and

WHEREAS, MU Extension specialists offer solutions to complex issues by delivering integrated programs associated with educational attainment; environmental concerns; community, economic, business and workforce development; global food systems; and health systems; and

WHEREAS, Cooperative Extension has made Missouri communities more sustainable and improved the quality of life for 282,000 youth through 4-H and programs for farmers,

landowners, firefighters, business owners, managers, nurses, other professionals, community leaders and families; and

WHEREAS, MU Extension's mission is as relevant today as it was a century ago:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Curators, on behalf of the students, faculty, staff and alumni of the University of Missouri, and on behalf of the citizens of the state of Missouri, hereby adopts this resolution to acknowledge the many achievements of MU Extension and the extension movement through the nation during this, its 100th anniversary year; and

BE IT FURTHER RESOLVED, that the Secretary of the Board of Curators cause this resolution to be spread upon the minutes of this meeting and that a duly inscribed copy thereof be furnished to Chancellor R. Bowen Loftin as representative of the entire MU community.

Roll call vote:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

UM System President's State of the University Annual Report – presented by President Wolfe (slides on file)

The President presented a review of University of Missouri System accomplishments from the past year and the Strategic Plan going forward for the University of Missouri System.

It was moved by Curator Goode and seconded by Curator Phillips, that the public session of the meeting of the Board of Curators, June 19-20, 2014, be adjourned.

Roll call vote:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

The public session of the University of Missouri Board of Curators meeting was adjourned at 11:06 A.M. on Friday, June 20, 2014.

Board of Curators Meeting – Executive Session

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 11:35 A.M., on Friday, June 20, 2014, in the Donrey Media Room of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips

The Honorable David L. Steward was absent.

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Miss Tracy Mulderig, Student Representative to the Board of Curators

Vice President Rodriguez and Mr. Brian Burnett joined the meeting.

The Board of Curators met and interviewed the President's recommendation for Vice President for Finance of the University of Missouri System.

Mr. Brian Burnett excused himself from the meeting.

Approval, Employment Agreement – Vice President for Finance

It was recommended by President Wolfe, moved by Curator Bradley and seconded by Curator Phillips, that the following action be approved:

> The employment of Brian Burnett, as Vice President for Finance, be approved according to the same or substantially similar terms in the employment agreement as presented to the Board of Curators at the June 19-20, 2014 meeting (and as on file with the minutes of this meeting). The employment agreement is subject to approval of General Counsel as to legal form.
>
> Roll call vote of Board:
>
> Curator Bradley voted yes.
> Curator Covington voted yes.
> Curator Cupps voted yes.
> Curator Downing voted yes.
> Curator Goode voted yes.
> Curator Henrickson voted yes.
> Curator Phillips voted yes.
> Curator Steward was absent.
>
> The motion carried.

Vice President Rodriguez excused herself from the meeting.

Compensation and Human Resources Committee Meeting – Executive Session

A meeting of the University of Missouri Board of Curators Compensation and Human Resources Committee was reconvened in executive session at 12:17 P.M., on Friday, June 20, 2014, in the Donrey Media Room of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting.

Curator John Phillips, Chairman of the Compensation and Human Resources Committee, presided over the meeting.

Present
The Honorable David R. Bradley
The Honorable Donald L. Cupps
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips

Also Present
The Honorable Ann K. Covington
The Honorable Don M. Downing
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Miss Tracy Mulderig, Student Representative to the Board of Curators

The Honorable David L. Steward was absent.

Report on contracts, personnel and legal advice – presented by Curator Phillips and General Counsel Owens.

No action taken by the Board.

Annual Performance Goals, General Counsel Owens – presented by Curator Phillips

It was recommended by the Compensation and Human Resources Committee, moved by Curator Phillips and seconded by Curator Covington, that the performance goals for General Counsel Owens for the period September 1, 2014 through August 30, 2015 be approved as presented at the June 19-20, 2014 meeting (and as on file with the minutes of this meeting).

In order to promptly start a new measurement period for the goals presented, it was recommended that the measurement period for the current goals end on June 30, 2014 and that the measurement period for the new goals cover July 1, 2014 to August 31, 2015.

Roll call vote of Board of Curators:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward was absent.

The motion carried.

The executive session of the Compensation and Human Resources Committee adjourned at 1:45 P.M. on Friday, June 20, 2014.

General Business

Litigation Report – presented by General Counsel Owens.

It was moved by Curator Bradley and seconded by Curator Henrickson, that the meeting of the Board of Curators, June 19-20, 2014, be adjourned.

Roll call vote:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps was absent for vote.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward was absent.

The motion carried.

There being no other business to come before the Board of Curators, the meeting was adjourned at 2:15 P.M. on Friday, June 20, 2014.

Respectfully submitted,

Cindy S. Harmon

Cindy S. Harmon
Secretary of the Board of Curators
University of Missouri System

Approved by the Board of Curators on July 25, 2014.