UNIVERSITY OF MISSOURI
Columbia . Kansas City . Rolla . St. Louis

BOARD OF CURATORS

Minutes of the Board of Curators Meeting
Thursday, February 4, 2021

A Board Committee meeting was held January 28, 2021 in conjunction with the February 4, 2021 Board meeting.

BOARD OF CURATORS MEETING – PUBLIC SESSION

A meeting of the Board of Curators was convened in public session at 8:30 A.M. on Thursday, February 4, 2021, via Zoom webinar and at remote locations via conference telephone pursuant to public notice given of said meeting. Curator Darryl M. Chatman, Chair of the Board of Curators, presided over the meeting.

Present
The Honorable Julia G. Brncic
The Honorable Darryl M. Chatman
The Honorable Maurice B. Graham
The Honorable Gregory E. Hoberock
The Honorable Jeffrey L. Layman
The Honorable Phillip H. Snowden
The Honorable David L. Steelman
The Honorable Robin R. Wenneker
The Honorable Michael A. Williams

Also Present
Dr. Mun Y. Choi, President, University of Missouri
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Mr. Remington Williams, Student Representative to the Board of Curators
Dr. C. Mauli Agrawal, Chancellor, University of Missouri – Kansas City
Dr. Richard Barohn, Executive Vice Chancellor for Health Affairs
Dr. Beth Chancellor, Vice President for Information Technology and MU Chief Information Officer

Dr. Mohammad Dehghani, Chancellor, Missouri University of Science and Technology
Ms. Kamrhan Farwell, Chief Marketing and Communications Officer
Ms. Marsha Fischer, Vice President for Human Resources and Chief Human Resources Officer
Dr. Steven W. Graham, Senior Associate Vice President for Academic Affairs
Ms. Christine Holt, Chief of Staff, UM System
Ms. Michelle M. Piranio, Chief Audit and Compliance Officer
Mr. Ryan D. Rapp, Vice President for Finance and Chief Financial Officer
Dr. Kristin Sobolik, Chancellor for University of Missouri-St. Louis
Dr. Marshall Stewart, Vice Chancellor, Extension and Engagement
Mr. Christian Basi, Director of Media Relations
Media representatives

General Business

University of Missouri Board Chair's Report – presented by Chair Chatman

Chair Chatman recognized Curators' Distinguished Professors designations from University of Missouri - Columbia; Frank Bowman III, Noah Heringman, Tim Lewis, Anand Prahlad and Tuwen Zhang. He also recognized an outstanding researcher from each university; Laine M. Young-Walker from University of Missouri - Columbia, Ken Cheng from University of Missouri - Kansas City, Laura Bartlett from Missouri University of Science and Technology and Beth Huebner from the University of Missouri - St. Louis. Chair Chatman expressed appreciation on behalf of the Board for the great ongoing research at each university. He plans to share outstanding researchers at each Board meeting this year.

University of Missouri System President's Report – presented by President Choi (slides on file)

President Choi presented a report that included:

- Research and creative works compact update
    - Major grants and awards for each university
    - NextGen Precision Health update
- Student success compact update
    - Faculty, staff and student achievements

  - Recognized Presidential Awardees from University of Missouri - Columbia
    - Rigel Oliveri, President's Award for Community Engagement
    - Ray Massey, C. Brice Ratchford Memorial Fellowship Award
    - Randall Miles, Thomas Jefferson Award
    - Laurie Kingsley, President's Award for University Citizenship-Service
    - Heather Carver, President's Award for University Citizenship-Leadership
    - Antionette Landor, President's Award for Early Career Excellence
    - Shelly Rodgers, President's Award for Sustained Career Excellence
    - Thomas Spencer, President's Award for Sustained Career Excellence
    - Chung-Ho Lin, President's Award for Economic Development
    - Ginny Ramseyer Winter, President's Award for Intercampus Collaboration
- Funding for the University of Missouri System
- Focus on achieving excellence

Student Representative to the Board of Curators Report – presented by Remington Williams (slides on file)

Student Representative to the Board of Curators presented a report that highlighted students from each university involved in cutting-edge research. An update of Intercampus Student Council initiatives was also presented.

Approval, Board Executive Committee and Standing Committees Appointments

It was recommended by Chair Chatman, moved by Curator Graham and seconded by Curator Williams, that the following Board of Curators Executive Committee and Standing Committees appointments be approved for 2021:

Executive Committee
Darryl M. Chatman, Chair
Greg E. Hoberock
David L. Steelman

Academic, Student Affairs, Research and Economic Development Committee
Robin R. Wenneker, Chair
Greg E. Hoberock
Jeff L. Layman
Phil H. Snowden

Audit, Compliance and Ethics Committee
Jeff L. Layman, Chair
Julia G. Brncic
Maurice B. Graham
Phil H. Snowden

Governance, Compensation and Human Resources Committee
Michael A. Williams, Chair
Julia G. Brncic
Jeff L. Layman
David L. Steelman

Finance Committee
Greg E. Hoberock, Chair
David L. Steelman
Robin R. Wenneker
Michael A. Williams

Health Affairs Committee
David L. Steelman, Chair
Maurice B. Graham
Robin R. Wenneker
Michael A. Williams
Ronald G. Ashworth (non-curator)
John R. Phillips (non-curator)

The motion carried unanimously (9-0) by voice vote with no abstentions.

Review of Consent Agenda – No discussion.

Consent Agenda

It was endorsed by President Choi, moved by Curator Steelman and seconded by Curator Graham, that the following items be approved by consent agenda:

CONSENT AGENDA

Action

1. Minutes, November 19, 2020 Board of Curators Meeting
2. Minutes, November 10 and 12, 2020 Board of Curators Committee Meetings held in conjunction with the November 19, 2020 Board of Curators Meeting
3. Minutes, December 6, 2020 Board of Curators Special Meeting and Executive Committee Meeting
4. Amendments to Collected Rules and Regulations:
   a. 600.030, Resolution Process for Resolving Complaints of Sexual Harassment under Title IX – for matters involving conduct alleged to have occurred on or after August 14, 2020;
   b. 600.040 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization – for matters involving conduct alleged to have occurred on or after August 14, 2020; and
   c. 600.050 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri – for matters involving conduct alleged to have occurred on or after August 14, 2020
5. Amendment, Collected Rule and Regulation 340.130, Work-Incurred Injury or Illness
6. Amendment, Collected Rule and Regulation 520.010, Benefit Programs
7. Amendment, Collected Rule and Regulation 350.020, Labor Union Recognition
8. Amendment, Collected Rule and Regulation 350.030, Checkoff of Union Dues
9. Sole Source, Hydrogen Steelmaking Pilot Reactor, Missouri S&T

1. Minutes, November 19, 2020 Board of Curators Meeting – as provided to the Curators for review and approval.

2. Minutes, November 10 and 12, 2020 Board of Curators Committee Meetings held in Conjunction with the November 19, 2020 Board of Curators Meeting – as provided to the Curators for review and approval.

3. Minutes, December 6, 2020 Board of Curators Special Meeting and Executive Committee Meeting – as provided to the Curators for review and approval.

4. Amendments to Collected Rules and Regulations:
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   b. 600.040 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization – for matters involving conduct alleged to have occurred on or after August 14, 2020; and
   c. 600.050 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri – for matters involving conduct alleged to have occurred on or after August 14, 2020

600.030 Resolution Process for Resolving Complaints of Sexual Harassment under Title IX - for matters involving conduct alleged to have occurred on or after August 14, 2020

Executive Order 41, 9-22-14; Amended 2-09-17 with effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20; Amended 02-04-21.

A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Title IX policies.
B. **Jurisdiction.** Jurisdiction of the University of Missouri under the Title IX policies shall be limited to sexual harassment which occurs in an education program or activity of the University of Missouri against a person in the United States. For purposes of this policy, "education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs, and includes any building owned or controlled by a student organization that is officially recognized by the University. This policy does not apply to sexual harassment which occurs outside of the United States, even when the conduct occurs in an education program or activity of the University.
   If a Complainant alleges or the investigation suggests that another University policy violation occurred in concert with an alleged violation of the University's Title IX policies, the University shall have the authority to investigate and take appropriate action regarding the alleged violations of other University policies pursuant to this process. In conducting such investigations, the Title IX Coordinator(s), and/or their Investigator may consult with and/or seek guidance from the Equity Officer, Student Conduct Coordinator, or other University officials as appropriate. If the allegations in a Formal Complaint that fall under this policy are dismissed, the University may discontinue the process under this policy and proceed under the applicable University procedure for all remaining allegations in the Formal Complaint.

C. **Definitions:**

1. **Academic Medical Center.** University of Missouri Hospitals and Clinics, and other Academic Medical Centers as may be designated by the University in the future.
2. **Academic Medical Center Resolution Process**. Resolution of a Formal Complaint by a decision-maker making a finding on each of the alleged policy violations and a finding on sanctions.
3. **Administrative Resolution.** A voluntary informal resolution process where a decision-maker makes a finding on each of the alleged policy violations in a Formal Complaint and a finding on sanctions without a hearing.
4. **Advisors.** The individuals selected by the Complainant and the Respondent, or if a Party does not have their own Advisor, selected by the University, to conduct all cross-examination and other questioning on behalf of a Party at a hearing; an Advisor may, but is not required to, be an attorney.
5. **Alternate Methods of Notice**: Methods of providing Notice to a Party other than in person or by email to the Party's University email account; these include email to another email account specified by the Party, or a Party's designation of an address to which Notice may be mailed via U.S. Mail; a Party seeking to designate an Alternate Method of Notice must provide such designation in writing to the Title IX Coordinator.
6. **Complainant.** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
7. **Emergency Removal Appeal Individual/Committee**: An individual or committee of three (3) individuals appointed by the Chancellor (or Designee) to hear appeals of an Emergency Removal decision by the Title IX Coordinator.
8. **Equity Resolution Appellate Officer.** For Staff, Student(s) or Student Organization Respondents, a trained, senior-level administrator appointed by the Chancellor (or Designee) to hear all appeals stemming from the Title IX Resolution Process. For Faculty Respondents, the Chancellor (or Designee).
9. **Equity Resolution Hearing Panel ("Hearing Panel").** A group of two (2) trained Equity Resolution Hearing Panelist Pool members who, together with the Hearing Officer, serve as the Hearing Panel for a specific Formal Complaint. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. The Hearing Officer shall serve as the Chair of the Hearing Panel.
10. **Equity Resolution Hearing Panelists Pool ("Hearing Panelist Pool").** A group of at least five (5) faculty and five (5) administrators and/or staff selected by the Chancellor (or Designee) to serve as hearing panel members

in the Hearing Panel Resolution process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.

11. **Formal Complaint.** Formal Complaint means a written document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. The phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
12. **Hearing Officer.** A trained individual appointed by the Chancellor (or Designee) to preside over a hearing and act as a member of the Hearing Panel, and to rule on objections and the relevancy of questions and evidence during the hearing.
13. **Hearing Panel Decision.** Resolution of a Formal Complaint by an Equity Resolution Hearing Panel recommending or making a finding on each of the alleged policy violations and sanctions, if applicable.
14. **Hearing Panelist Pool Chair ("Pool Chair").** The Hearing Panelist Pool Chair is selected by the Chancellor (or Designee). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.
15. **Informal Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, administrative resolution, or restorative justice.
16. **Investigators.** Investigators are trained individuals appointed by the Title IX Coordinator (or designee) to conduct investigations of the alleged violations of the University's Title IX Policies.
17. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
18. **Record of the Case.** The Record of the Case in the Section 600.030 Process includes, when applicable: All Notices to the Parties; investigative report; recordings of Party and witness interviews; exhibits used at a hearing or at the Academic Medical Center (AMC) Meeting; recordings of meetings between the AMC decision-maker and Parties and witnesses, if any; the hearing record (an audio or audiovisual record of the hearing); any determination of dismissal of all or part of a Formal Complaint; the determination on each of the alleged policy violations and sanctions by

either the Hearing Panel or decision-maker; and the decision on the appeal, if any, including the request for appeal, any additional evidence submitted for the appeal, and written arguments of the Parties.

19. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Title IX Policies.
20. **Respondent.** Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
21. **Rules of Decorum.** Hearing process rules to which Parties and their Advisors must adhere during any Hearing under this policy.
22. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
23. **Student Organization**. A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization as the Party.
24. **Support Person**. An individual selected by a Party to accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process. A Support Person may not attend a hearing under the Title IX process unless also serving as a Party's Advisor.
25. **Title IX Coordinator.** The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to respond to reports of sexual harassment; and to receive and assist with the Title IX process for Formal Complaints alleging violation of the University's Sexual Harassment in Employment/Education Policy. All references to "Title IX Coordinator" throughout this policy refer to the Title IX Coordinator or the Title IX Coordinator's designee.
26. **University's Title IX Policies.** The University's Title IX Policies include this Policy and the Sexual Harassment in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations (CRR).

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

E. **Preliminary Contact.** Upon receiving a Report, the Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures as defined herein, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. If the identity of the Complainant is unknown, the Title IX Coordinator may conduct a limited investigation sufficient to identify the Complainant to the extent possible.

F. **Filing of a Formal Complaint.** A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth in CRR 600.020, or through an online portal provided for this purpose by the University. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity of the University.
The Title IX Coordinator may sign a Formal Complaint when they believe that with or without the Complainant's desire to participate in this process, a non-deliberately indifferent response to the allegations requires an investigation. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this policy.
If the Respondent files a Formal Complaint against the Complainant within ten (10) business days of the date of the Notice of Allegations where the allegations of sexual harassment in both Formal Complaints arise out of the same facts or circumstances, the University will consolidate the Formal Complaints for purposes of investigation and resolution in accordance with this policy.
The University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party where the allegations of sexual harassment arise out of the same facts or circumstances. If the Respondent files a Formal Complaint against the Complainant more than ten (10) business days after the date of the Notice of Allegations where the allegations of sexual harassment in both Formal Complaints arise out of the same facts or circumstances, the University may consolidate the Formal Complaints for purposes of investigation and resolution in accordance with this policy. Where this process involves more than one Complainant or more than one Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

G. **Notice of Allegations:**

1. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide a written notice to the known Parties that includes the following:

    a. A description of the University's Title IX Process, including Informal Resolution;

b. Notice of the allegations of sexual harassment, including sufficient details known at the time. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct allegedly constituting the sexual harassment; and the date and location of the alleged incident.
c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX process.
d. A statement reminding the Respondent that they have the right to file a report or Formal Complaint with the Title IX Coordinator; however, both Parties are advised that retaliation against any Party is prohibited.
e. A statement notifying the Parties of the availability of Supportive Measures.
f. A statement notifying the Parties of their right to have an Advisor of their choice, who may be, but is not required to be, an attorney. The Parties will be advised that if they do not have an Advisor to conduct cross-examination at a hearing on their behalf, the University will appoint such an Advisor; this Advisor may be, but is not required to be, an attorney. (This provision does not apply to matters proceeding under the process for Academic Medical Centers set forth in Section R).
g. A statement notifying the Parties that they may have a Support Person selected by a Party accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process. A Support Person may not attend a hearing under the Title IX process unless also serving as a Party's Advisor.
h. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and including inculpatory and exculpatory evidence whether obtained from a Party or other source.
i. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the Title IX process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.

j. A statement that nothing in the Title IX process is intended to supersede nor expand any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution.
k. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Title IX Coordinator an alternate method of notification. If a Party does not have a University-issued email account, all notices will be via U.S. Mail unless they provide the Title IX Coordinator with a preferred method of notification.

2. The Notice of Allegations will be made in writing to the Parties by email to the Party's University-issued email account, with a read-receipt or reply email requested. If a read-receipt or reply email is not returned within three (3) business days or the Party does not have a University-issued email account, the Notice of Allegations shall be sent via U.S. Mail postage pre-paid to the last known address of the Party. Notice also may be provided in person to either Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual, or 3) when mailed.

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

1. **Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. These measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter sexual harassment. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The Title IX Coordinator is responsible for the effective implementation of Supportive Measures. Supportive Measures may include:

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

f. If either Party is a student:

(1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
(2) Adjusting the courses, assignments, and/or exam schedules of the Party.
(3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.

g. Providing limited transportation accommodations for the Parties.
h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.

2. **Emergency Removal.** The Title IX Coordinator may implement a removal of a Respondent from the University's education program or activity on an emergency basis, if the Title IX Coordinator, after conducting an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, justifies removal.

a. In all cases in which an Emergency Removal is imposed, the Respondent will immediately be given notice and an opportunity to challenge the decision of the Title IX Coordinator either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days following the Removal. Any challenge by Respondent shall be made in writing and directed to the Title IX Coordinator and must show cause why the Removal should not be implemented. The Title IX Coordinator will forward the challenge to the Emergency Removal Appeal Individual/Committee, which will make a final decision on Removal within three (3) business days.
b. Violation of an Emergency Removal under this policy may be grounds for discipline under applicable University conduct policy.

3. **Interim Suspension of Student Organization**. The Title IX Coordinator may suspend, on an interim basis, a Respondent Student Organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the Respondent Student Organization might otherwise be eligible, pending the completion of the Title IX Process when the Title IX Coordinator finds and believes from available information that the presence of the student organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days.

4. **Administrative Leave.** The Title IX Coordinator may implement an administrative leave for an employee in accordance with University Human Resources Policies. Administrative leave for an employee is not an Emergency Removal under this policy.

I. **Employees and Students Participating in the Title IX Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including but not limited to the Investigator, Title IX Coordinator, the Hearing Panel and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence provided in this process, including but not limited to the Investigator, Title IX Coordinator, Hearing Panel and/or the Equity Resolution Appellate Officer, by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to the provisions of CRR 200.010. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. Nothing in this provision is intended to require a Party or witness to participate in the process. The fact that a determination has been made that a Respondent has or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.
No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

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

1. To be treated with respect by University officials.
2. To be free from retaliation.
3. To have access to University support resources (such as counseling and mental health services and University health services).
4. To request a no contact directive between the Parties.
5. To have a Support Person of the Party's choice accompany the party to all interviews and meetings (excluding hearings) throughout the Title IX Process.
6. To refuse to have an allegation resolved through the Informal Resolution Processes.
7. To receive prior to a hearing or other time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
8. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.

9. To have Formal Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of this process or limited extension of time frames for good cause which may include considerations such as the absence of a Party, a Party's Advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
11. To be informed of the finding, rationale, sanctions and remedial actions.
12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13. To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint, and appeal the determination of a Hearing Panel or other decision-maker.
14. Additional Rights for Students as a Party:

    a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.030.H.
    b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Title IX Coordinator.
15. Additional Rights for Hearing Panel Resolution:

    a. To receive notice of a hearing.
    b. To have the names of witnesses who may participate in the hearing and copies of all documentary evidence gathered in the course of the investigation and any investigative report prior to the hearing.
    c. To be present at the hearing, which right may be waived by either written notification to the Hearing Officer or by failure to appear.
    d. To have present an Advisor during the hearing and to consult with such Advisor during the hearing, and have the Advisor conduct cross-examination and other questioning on behalf of the Party at the hearing.
    e. To have an Advisor of the University's selection appointed for a Party where the Party does not have an Advisor of their own choice at a hearing.
    f. To testify at the hearing or refuse to testify at the hearing; however, if a Party or witness fails to submit to cross-examination at the hearing, the Hearing Panel shall not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Panel shall not draw any inference about the determination regarding responsibility based solely on a Party's or witness's failure to submit to cross-examination.
    g. To have an equal opportunity to present and question witnesses, including fact and expert witnesses, and present relevant evidence.

h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.

16. Additional Rights for Academic Medical Center Process:

a. To receive notice of the meeting with the decision-maker.
b. To submit written, relevant questions that a Party wants asked of any Party or witness and to be provided with the answers to such questions.
c. To be allowed additional, limited follow-up questions.

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

1. **Support Persons.** Each Complainant and Respondent is allowed to have one Support Person of their choice present with them for all Title IX Process interviews and meetings. The Parties may select whomever they wish to serve as their Support Person, including an attorney or parent. The Support Person may also act as the Party's Advisor.
If requested by a student Party, the Title IX Coordinator may assign a Trained Support Person to explain the Title IX process and attend interviews and meetings with a Party. University Trained Support Person(s) are administrators, faculty, or staff at the University trained on the Title IX Process. A Trained Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as a Trained Support Person.
2. **Advisors**. Each Party may have an Advisor of their choice present at the hearing to conduct cross-examination and other questioning for that Party. A Party may not directly question any other Party or any witness; all cross-examination and other questioning on behalf of a Party must be conducted by their Advisor. The Advisor may be, but is not required to be, an attorney. If a Party does not have an Advisor of their choice present at the hearing, the University will provide, without fee or charge to that Party, an Advisor of the University's choice to conduct cross-examination and other questioning on behalf of that Party. The Parties may not require that the assigned Advisor have specific qualifications such as being an attorney. At the hearing, a Party's Advisor may ask the other Party and any witnesses all relevant questions and follow-up questions, including that challenging credibility. An Advisor may conduct cross-examination and other questioning for a Party, and object to questions on limited grounds as specified in the Rules of Decorum. The Advisor may not make a presentation or otherwise represent the Complainant or the Respondent during the hearing. The Advisor may consult with the Party quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the Party, other than to conduct cross-examination or other questioning for the Party. Advisors who do not follow the Rules of Decorum will be

warned or dismissed from the hearing at the discretion of the Hearing Officer.

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

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

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

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

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

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

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

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

The final investigative report will fairly summarize the relevant evidence, and prior to a hearing or other time of determination regarding responsibility, the investigator will send to each Party and the Party's Advisor, if any, the final investigative report in an electronic format or a hard copy, for their review and

written response. If a written response is received from either Party, that response will be shared with the other Party and their Advisor, if any.

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

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

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

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

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

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

A Formal Complaint or any allegations therein, may be dismissed at any time during the investigation or hearing if (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or

employed by the University; or (3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

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

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

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

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

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

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

Among the resolutions which may be reached at this stage, the Respondent may voluntarily request to permanently separate from the University of Missouri System. If the Title IX Coordinator accepts the Respondent's proposal, the

Respondent must sign a Voluntary Permanent Separation and General Release agreement to effectuate their separation and terminate the Title IX Process.

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

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

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

    a. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
    b. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the decision-maker.
    c. Incidents or behaviors of the Respondent not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the

Respondent that shows a pattern may be considered only if deemed relevant by the decision-maker.

d. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
e. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

3. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers to such questions will be shared with the requesting Party.
4. At any time prior to a final determination being rendered, the Complainant and/or the Respondent may request that the Formal Complaint shift from the Administrative Resolution Process to the Hearing Panel Resolution Process. Upon receipt of such timely request from either Party, the Formal Complaint will shift to the Hearing Panel Resolution Process.
5. The Administrative Resolution process will normally be completed within sixty (60) business days of the decision-maker's receipt of the Formal Complaint. Deviations from this timeframe will be promptly communicated to both Parties.
6. For good cause, the decision-maker in the Administrative Resolution Process may, in their discretion, grant reasonable extensions to the time frames and limits provided.
7. The Administration Resolution process consists of:

    a. A prompt, thorough and impartial investigation;
    b. A separate meeting with each Party and their Support Person, if any, and the decision-maker;
    c. A written finding by the decision-maker on each of the alleged policy violations;
    d. A written finding by the decision-maker on sanctions and remedial actions for findings of responsibility; and
    e. The decision-maker shall be as follows:

        (1) For Student or Student Organization Respondents and Staff Respondents, the decision-maker will be the Title IX Coordinator;
        (2) For Faculty Respondents, the decision-maker will be as follows:

(a) The Title IX Coordinator will act as decision-maker and make recommendation(s) on findings of responsibility and sanctions and remedial actions, if applicable, to the Provost who will be the final decision-maker.
(b) The Title IX Coordinator has the option to request that a designee from the Provost's office act as decision-maker in Administrative Resolution and make recommendation(s) regarding findings of responsibility and sanctions and remedial actions, if applicable, to the Provost who will be the final decision-maker.

8. At least fifteen (15) business days prior to meeting with the decision-maker or if no meeting is requested, at least fifteen (15) business days prior to the decision-maker rendering a finding(s), the Title IX Coordinator or Provost's designee, if applicable, will send a letter (Notice of Administrative Resolution) to the Parties with the following information:

    a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
    b. The name of the decision-maker.
    c. Reference to or attachment of the applicable procedures.
    d. A copy of the final investigative report.
    e. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-maker.
    f. An indication that the Parties may have the assistance of a Support Person of their choosing at the meeting, though the Support Person's attendance at the meeting is the responsibility of the respective Parties.
9. The sanctions of expulsion and termination are not available sanctions under the Administrative Resolution process in this Policy. Further, any suspension of a student under this Administrative Resolution process shall not exceed two (2) years. Any suspension of an employee under this Administrative Resolution process may be without pay, but may not exceed ten (10) business days.
10. The decision-maker can, but is not required to, meet with and question the Investigator and any identified witnesses. The decision-maker may request that the Investigator conduct additional interviews and/or gather additional information. The decision-maker will meet separately with the Complainant and the Respondent, and their Support Person, if any, to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the decision-maker will render a

finding using the preponderance of the evidence standard. The decision-maker will also determine appropriate sanctions or remedial actions.

11. The decision-maker will inform the Respondent and the Complainant simultaneously of the finding on each of the alleged policy violations and the finding of sanctions, if applicable, in writing by email to the Party's University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
12. Either Party may appeal a decision under Administrative Resolution in accordance with Section U of this policy.

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

1. **Equity Resolution Hearing Panelist Pool.** Each University will create and annually train a pool of not less than five (5) faculty and five (5) administrators and/or staff to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel pool members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Pool members are selected by the Chancellor (or Designee) and serve a renewable one-year term. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.
   The Chancellor (or Designee) will select a Hearing Panelist Pool Chair ("Pool Chair"). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.
   Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Title IX Coordinator. Under such circumstances, the Title IX Coordinator will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.
2. **Title IX Hearing Panel ("Hearing Panel").** When a Formal Complaint is not resolved through an Informal Resolution process, the Hearing Panelist Pool Chair will randomly select two (2) members from the Hearing Panelist Pool to serve on the specific Hearing Panel together with the Hearing Officer. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. Up to two (2) alternates may be designated to sit in throughout the process as

needed. The University reserves the right to have its attorney present during the hearing and during deliberations to advise the Hearing Panel.

3. **Notice of Hearing.**

   a. At least twenty (20) business days prior to the hearing, the Title IX Coordinator will send a letter (Notice of Hearing) to the Parties with the following information:

      (1) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
      (2) A description of the applicable procedures.
      (3) A statement that the Parties may have the assistance of an Advisor of their choosing, at the hearing; that the Party's Advisor will conduct all cross-examination and other questioning of the other Party and all witnesses on behalf of the Party they are advising; that if the Party does not have an Advisor, an Advisor will be provided by the University for the purpose of conducting cross-examination and other questioning for that Party; and the Advisor may be, but is not required to be, an attorney.
      (4) The time, date and location of the hearing.
      (5) A list of the names of each of the Hearing Panel members, including the Hearing Officer, and alternates, and information on how to raise an objection to any member of the Hearing Panel and the timeline in which to raise any objections.
      (6) A copy of the final investigative report and exhibits.
      (7) Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations including inculpatory and exculpatory evidence, is available to the Parties and instructions regarding how to request access to that evidence.
      (8) Notice that if a Party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.
      (9) Notice that the Parties may request a virtual hearing and/or any necessary accommodations.

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

3) when sent via the alternate method of notification specified by the Party.

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

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

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

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

randomly select another member from the pool to serve on the Hearing Panel. The Title IX Coordinator will select an alternate Hearing Officer if they determine that the Hearing Officer should be replaced. The Title IX Coordinator will provide a written response to all Parties addressing any objections to the Hearing Panel members, including the Hearing Officer.

6. **Alternative Attendance or Questioning Mechanisms**. All hearings will be live. However, at the request of either Party or by the University's designation, the live hearing may occur with the Parties located in separate rooms with technology enabling the Hearing Panel, including the Hearing Officer, and their legal advisor, if any, the Parties and their Advisors, and the Investigator, to simultaneously see and hear the Party or the witness answering questions. Should any hearing take place in this manner, the Title IX Coordinator (or Designee) shall be in charge of the technology during the hearing. The University will make reasonable accommodations for the Parties in keeping with the principles of equity and fairness.
7. **Requests to Reschedule the Hearing Date.** For good cause, the Title IX Coordinator may grant requests to reschedule the hearing date.
8. **Pre-Hearing Matters**.

    a. At least ten (10) business days prior to the hearing date, a Party shall inform the Title IX Coordinator whether the Party intends to bring an Advisor of their choice to the hearing.
    b. At least ten (10) business days prior to the hearing date, a Party shall inform the Title IX Coordinator whether the Party is requesting accommodations for the hearing.
    c. At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the Hearing Panel members.
9. **Pre-Hearing Meeting**. Unless otherwise agreed by the Parties and the Hearing Officer, a pre-hearing meeting may be scheduled one hour prior to the start of the hearing between the Hearing Officer and Parties' Advisors. Parties may, but are not required to, be in attendance at this meeting.
10. **Conduct of Hearing.** The Hearing Officer shall participate on the Hearing Panel and preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted and establish the presence of any Advisors.

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

(1) The Complainant will proceed first and may give a verbal statement of their allegations of sexual harassment against the Respondent. The Hearing Panel may next ask questions of the Complainant. The Complainant will then be subject to cross-examination by the Advisor of the Respondent. The Complainant may also call witnesses who will be subject to questioning by the Advisor of the Complainant, questioning by the Hearing Panel, and cross-examination by the Advisor of the Respondent. The Complainant may also submit documentary evidence.
(2) The Respondent will proceed next and may give a verbal statement in response to the allegations of sexual harassment made by the Complainant. The Hearing Panel may next ask questions of the Respondent. The Respondent will be subject to cross-examination by the Advisor of the Complainant. The Respondent may also call witnesses who will be subject to questioning by the Advisor of the Respondent, questioning by the Hearing Panel, and cross-examination by the Advisor of the Complainant. The Respondent may also submit documentary evidence.
(3) The Investigator will then be available to answer questions of the Hearing Panel. The Investigator will next be subject to cross-examination by the Advisors of the Complainant and the Respondent. The Investigator may also call witnesses who will be subject to questioning by the Hearing Panel, and cross-examination by the Advisors of the Complainant and Respondent. The Investigator may also submit documentary evidence.
(4) The Hearing Panel may ask questions of the Parties or any witnesses including the Investigator at any time during the hearing.

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

11. **Hearing Process Rules.**

a. The formal rules of evidence shall not apply to any live hearing.
b. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual

behavior with respect to the Respondent and are offered to prove consent.

c. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the Hearing Officer.
d. Incidents or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the Hearing Officer.
e. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
f. The Hearing Officer shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
g. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Hearing Officer, whose ruling shall be final.
h. A Party's Advisor will be permitted to ask the other Party and any witnesses relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Where the Hearing Officer permits a question to be answered, a presumption shall be made that the Hearing Officer determined that the question was relevant.
i. If a Party or witness does not submit to cross-examination at a hearing, the Hearing Panel must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.
j. The Party's Advisors may object to questions on limited grounds as specified in the Rules of Decorum. The Hearing Officer will rule on such objections and that ruling shall be final.

k. The Hearing Officer may dismiss any person from the hearing who interferes with or obstructs the hearing, fails to adhere to the Rules of Decorum, or fails to abide by the rulings of the Hearing Officer.
l. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Hearing Officer, whose ruling shall be final.

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

a. The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine appropriate sanctions and remedial actions by a majority vote.
b. The Hearing Officer will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions, if any ("Hearing Panel Decision"), and deliver it to the Title IX Coordinator detailing the following:

(1) Identification of the allegations potentially constituting sexual harassment as defined in CRR 600.020;
(2) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence and hearings held;
(3) Findings of fact supporting the determination;
(4) Conclusions regarding the application of the University's Title IX Policies to the facts;
(5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education programs or activities will be provided by the University to the Complainant; and
(6) The procedures and permissible bases for the Complainant and the Respondent to appeal.

c. The Hearing Panel Decision should be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations. Deviations from the five-day period will be communicated by the Hearing Officer to the Parties and the Title IX

Coordinator, along with an expected time for completion. The Hearing Panel Decision will be provided to the Title IX Coordinator who will provide it to the Parties simultaneously within five (5) business days of receipt of the decision.

d. The Hearing Panel Decision will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
e. The Hearing Panel Decision will become final either on the date that the Parties are provided with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
f. The Title IX Coordinator is responsible for effective implementation of any remedies.

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

1. Academic Medical Centers at the University of Missouri are not required to provide for a live hearing, but rather must adhere to the following process for resolving Formal Complaints alleging Title IX violations.
2. The decision-maker(s) for the Title IX Process for Academic Medical Centers shall be a neutral, impartial, and unbiased decision-maker designated by the Executive Vice Chancellor for Health Affairs.
3. **Notice of AMC Meeting**. The decision-maker will meet separately with each Party. At least fifteen (15) business days prior to the initial meeting with the decision-maker, the Title IX Coordinator will send a letter (Notice of AMC Meeting) to the Parties with the following information:

    a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
    b. A description of the applicable procedures.
    c. A statement that the Parties may be accompanied by a Support Person of their choosing at the AMC Meeting.
    d. The time, date and location of the AMC Meeting.
    e. The name of the decision-maker, and information on how to raise an objection to the decision-maker and the timeline in which to raise any objections.
    f. A copy of the investigative report and exhibits.
    g. Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations, including inculpatory and exculpatory evidence, is available to the Parties and how to request access to that evidence.

4. The Notice of AMC Meeting letter will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual to their University-issued email account, or 3) when sent via the alternate method of notification specified by the Party.
5. At least fifteen (15) business days prior to the initial AMC Meeting, the Investigator will provide to the Parties access to all evidence gathered in the investigation which is directly related to the allegations in the Formal Complaint, including any evidence upon which the Investigator does not intend to rely, and inculpatory and exculpatory evidence whether obtained from a Party or other source, copies of recordings of all interviews conducted during the investigation, and a copy of any investigative report.
6. At least ten (10) business days prior to the initial AMC Meeting, the Complainant and Respondent may provide the decision-maker with written, relevant questions the Party wants asked of any Party or witness. At least five (5) business days prior to the initial AMC Meeting, the decision-maker will provide each Party with the answers, and allow for additional, limited follow-up questions from each Party. The decision-maker must explain to the Party proposing the questions any decision to exclude a question as not relevant. The Parties may also provide the decision-maker with documentary evidence.
7. No employee or student, directly or through others, should take any action which may interfere with the investigation or the AMC process. Employees and students are prohibited from attempted or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
8. The decision-maker shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a decision-maker feels that they have a conflict of interest or bias, or cannot make an objective determination, they must recuse themselves from the proceedings in advance of the AMC meeting.
9. At least ten (10) business days prior to the initial AMC Meeting, the Parties shall provide to the Title IX Coordinator all objections in writing to the decision-maker identified in the Notice of AMC Meeting. If the Title IX Coordinator determines that the decision-maker should be replaced, the Title IX Coordinator will select an alternate decision-maker. The Title IX Coordinator will provide a written response to all Parties addressing the objections.
10. Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone

other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

11. Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and shall not be admitted unless deemed relevant by the Hearing Officer.
12. Incidents or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the Hearing Officer.
13. A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
14. The decision-maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
15. All meetings between the decision-maker and Parties and/or witnesses shall be recorded.
16. Within ten (10) business days of the last meeting with any Party or witness, the decision-maker must issue a written determination regarding responsibility, applying the preponderance of the evidence standard of evidence. The written determination must include:

    a. Identification of the allegations potentially constituting sexual harassment as defined in CRR 600.020.
    b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and meetings held;
    c. Findings of fact supporting the determination;
    d. Conclusions regarding the application of the Title IX policies to the facts;
    e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether any remedies designed to restore or preserve equal access to the

University's education program or activity will be provided by the University to the Complainant; and

f. The University's procedures and permissible bases for the Complainant and Respondent to appeal as set forth in Section U.

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

S. **Sanctions and Remedial Actions.**

1. If the Respondent is found responsible for a violation of the University's Title IX Policies, the Hearing Panel, or the decision-maker in the Administrative Resolution Process or Academic Medical Center Process, will determine sanctions and remedial actions. The Title IX Coordinator will apply and enforce the sanctions and remedial actions and may also add other remedial actions as deemed appropriate.

    a. Factors Considered When Finding Sanctions/Remedial Actions include but are not limited to:

    (1) The nature, severity of, and circumstances surrounding the violation;
    (2) The disciplinary history of the Respondent;
    (3) The need for sanctions/remedial actions to bring an end to the conduct;
    (4) The need for sanctions/remedial actions to prevent the future recurrence of the conduct; and
    (5) The need to remedy the effects of the conduct on the Complainant and the University community.

2. **Types of Sanctions.** The following sanctions may be imposed upon any Respondent found to have violated the University's Title IX Policies. Multiple sanctions may be imposed for any single violation. Sanctions

include but are not limited to the following:

a. **For Respondents who are Student(s) or Student Organization(s):**

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

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

(1)Warning – verbal or written;
(2)Performance improvement plan;
(3)Required counseling;
(4)Required training or education;
(5)Loss of annual pay increase;
(6)Loss of supervisory responsibility;
(7)Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;
(8)For Non-Regular Faculty, immediate termination of term contract and employment;
(9)For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;
(10) Suspension without pay;
(11) Non-renewal of appointment;
(12) For Regular, Tenured Faculty, suspension without pay, removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations;
(13) For Staff, Demotion;
(14) For Staff, Termination.

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

(1) Where the Complainant is a student:

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

(2) Where the Complainant is an employee:

(a) Removal of a disciplinary action;
(b) Modification of a performance review;
(c) Adjustment in pay;

(d) Changes to the employee's reporting relationships; and
(e) Workplace accommodations.

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

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

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

U. **Appeal.**

1. **Grounds for Appeal.** Both Complainant and Respondent are allowed to appeal the dismissal of a Formal Complaint or any of the allegations therein, or the findings of the Administrative Resolution Process, the Hearing Panel Resolution Process, or the Academic Medical Center process. Appeals are limited to the following:

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

2. **Requests for Appeal.** Both the Complainant and the Respondent may appeal a dismissal of a Formal Complaint or any allegations therein, or a determination regarding responsibility to the Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer must not have a conflict of interest or bias for or against Complainants or Respondents generally or

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

3. **Response to Request for Appeal.** Within five (5) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party may file a response to the request for appeal. The response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.
4. **Review of the Request to Appeal.** The Equity Resolution Appellate Officer will make an initial review of the appeal request(s) to determine whether:

    a. The request is timely, and
    b. The appeal is on the basis of any of the articulated grounds listed above, and
    c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

    The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) business days from receipt of the request, the appeal will be deemed accepted.
5. **Review of the Appeal.** If all three (3) requirements for appeal listed in paragraph 4 above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

    a. Appeals are not intended to be full re-hearings of the Formal Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, and relevant documentation regarding the grounds for appeal. Appeals granted based on new

evidence should normally be remanded to the original decision-maker for reconsideration.

b. The Equity Resolution Appellate Officer will render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.

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

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

V. **Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions.** All Respondents are expected to comply with all sanctions and remedial actions within the timeframe specified. Failure to follow through on these sanctions and remedial actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and remedial actions and/or suspension, expulsion, termination, referral to Dismissal for Cause process, or withdrawal of recognition from the University. Suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

W. **Dismissal for Cause Referral.** If the recommended sanction for a Regular, Tenured Faculty member is referral to the Chancellor to initiate Dismissal for Cause, the Record of the Case will be forwarded to the appropriate Faculty Committee on Tenure. Because the Dismissal for Cause proceeding is not a re-hearing of the Complaint, the Record of the Case will be included as evidence and the findings will be adopted for proceeding as detailed in Section 310.060: Procedures in Case of Dismissal for Cause in the Collected Rules and Regulations.

X. **Records.** In implementing this policy, records of all Formal Complaints, the Hearing Process or Academic Medical Center Process, and resolutions (including Informal resolution and result therefrom), will be kept by the Title IX Coordinator. For the purpose of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for seven (7) years following final resolution.
In addition, a record of the response to all complaints of sexual harassment, must be maintained for a period of seven (7) years, including records of any actions, including Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education programs or activities. If the University did not provide a

Complainant with Supportive Measures, the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

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

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

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

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

600.040 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization - for matters involving conduct alleged to have occurred on or after August 14, 2020

Bd. Min. 2-5-15; Revised 7-28-20 with effective date of 8-14-20; Amended 02-04-21.

A. **General.** The University will promptly and appropriately respond to any report of violation of the University's Anti-Discrimination policies. The procedures described below apply to such reports when the Respondent is a Faculty Member(s), a student(s), or a student organization. Further, when the report involves allegations against the President or a Chancellor, upon consultation between the Office of the General Counsel and the Equity Officer, the investigation may be conducted by an outside investigator. This procedure does not govern complaints alleging conduct that would be defined as sexual harassment under Section 600.020 of the Collected Rules and Regulations.
B. **Jurisdiction.** Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.040 of the Collected Rules and Regulations against Faculty Members, Students, or Student Organizations for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, and visitors or other members of the University community, or (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, or (3) if the conduct is related to the Faculty Member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the Faculty Member is serving in the role of a University employee.
   If a Complainant simultaneously alleges or the investigation suggests violations of the University's Anti-Discrimination Policies and (1) violation, misinterpretation, or arbitrary application of another written University rule, policy, regulation, or procedure which applies personally to the Faculty member; and/or (2) that there has been an infringement on the academic freedom of the Faculty member, the University shall have the authority to investigate and take appropriate action regarding each of the Complainant's allegations pursuant to this Equity Resolution Process. In conducting such investigations, the Provost, Equity Officer, and/or the Investigator may consult with and/or seek guidance from the Human Resources staff or other appropriate administrators as necessary.
   If a Complainant alleges or the investigation suggests that a student conduct policy violation occurred in concert with the alleged violation of the University's Anti-Discrimination Policies, the University shall have the authority to investigate and take appropriate action regarding each of the alleged violations of the student

conduct policy pursuant to this Equity Resolution Process. In conducting such investigations, the Equity Officer and/or the Investigator may consult with and/or seek guidance from the Student Conduct Coordinator or Residential Life Coordinator as appropriate.

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

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

C. **Definitions:**

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

University's Anti-Discrimination policies and if the University decides to pursue a report of discrimination through the applicable equity resolution process, the University will act as the Complainant.

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

randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Complaint. The Pool Chair may serve as a panel member for a specific Complaint.

13. **Hearing Panel Resolution.** Resolution of a Complaint by an Equity Resolution Hearing Panel making the finding on each of the alleged policy violations. In faculty matters, the Hearing Panel will make recommendations as to any sanctions, if applicable, and the Provost will make the finding on sanctions. In matters involving students or student organizations, the Hearing Panel will make a finding on sanctions and remedial actions.
14. **Investigators.** Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
15. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
16. **Record of the Case.** The Record of the Case in the Section 600.040 Process includes, when applicable: All Notices to the Parties, investigative report, recordings of Party and witness interviews, exhibits used at a hearing, the hearing record (an audio or audiovisual record of the hearing); any determination of dismissal of all or part of a Formal Complaint; the determination on each of the alleged policy violations and sanctions by either the Hearing Panel or Decision-maker; and the decision on the appeal, if any, including the request for appeal, any additional evidence submitted for the appeal, and written arguments of the parties.
17. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
18. **Respondent.** "Respondent" refers to the Faculty Member(s) or student(s) or student organization alleged to have violated the University's Anti-Discrimination Policies.
19. **Student.** A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
20. **Student Organization**. A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization as the Party.
21. **Summary Resolution.** Resolution of the Complaint upon a determination by the Equity Officer that there is an insufficient basis to proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.
22. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education

Opportunity and Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations (CRR).

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

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

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

If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation. The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.

F. **Filing a Complaint.**

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

All Complaints alleging discrimination or harassment under this policy will be investigated. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Where the Equity Officer prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.
The University may consolidate Complaints as to allegations of discrimination or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party where the allegations of discrimination or harassment, arise out of the same facts or circumstances. Where this process involves more than one Complainant or more than one Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

G. **Notice of Allegations**

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:

    a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
    b. Notice of the allegations of discrimination and/or harassment, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting the discrimination and/or harassment; and the date and location of the alleged incident.
    c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
    d. A statement notifying the Parties of the availability of supportive measures.
    e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.
    f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
    g. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint, including the evidence upon which the University does not intend to rely in reaching

a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.

h. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the grievance process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.

i. A statement that nothing in the Equity Process is intended to supersede nor expand any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution.

j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer with a preferred method of notification.

2. The Notice of Allegations will be made in writing to the Parties by email to the Party's University-issued email account, with a read-receipt or reply email requested. If a read-receipt or reply email is not returned within three (3) business days or the Party does not have a University-issued email account, the Notice of Allegations shall be sent via U.S. Mail postage pre-paid to the last known address of the Party. Notice also may be provided in person to either Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual, or 3) when mailed.

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

1. **Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's education environment, or deter discrimination and harassment. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:

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

(1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
(2) Adjusting the courses, assignments, and/or exam schedules of the Party.
(3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.

g. Providing limited transportation accommodations for the Parties.
h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.

2. **Emergency Removal**. The Equity Officer may implement a removal of a Respondent from the University's education program or activity on an emergency basis, if the Equity Officer, after conducting an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of discrimination or harassment, justifies removal.
   a. In all cases in which an Emergency Removal is imposed, the Respondent will immediately be given notice and an opportunity to challenge the decision of the Equity Officer either prior to such Removal being imposed, or as soon thereafter as reasonably possible but no later than five (5) business days following the Removal. Any challenge by Respondent shall be made in writing and directed to the Equity Officer and must show cause why the Removal should not be implemented. The Equity Officer will forward the challenge to the Emergency Removal Appeal Individual/Committee, which will make a final decision on Removal within three (3) business days.
   b. Violation of an Emergency Removal under this policy may be grounds for discipline under applicable University conduct policy.
3. **Interim Suspension of Student Organization.** The Equity Officer may suspend, on an interim basis, a Respondent Student Organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the Respondent Student Organization might otherwise be eligible, pending the completion of the Equity Process when the Equity Officer finds and believes from available information that the presence of the student

organization on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student organization will be initiated within seven (7) business days.

4. **Administrative Leave**. The Equity Officer may implement an administrative leave for an employee in accordance with University Human Resources Policies. Administrative leave for an employee is not an Emergency Removal under this policy.

I. **Employees and Students Participating in the Equity Resolution Process.** All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including but not limited to the Investigator, Equity Officer, Provost (or Designee), the Hearing Panel, and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements or fraudulent evidence or refusal to cooperate with the Investigator, Equity Officer, Provost (or Designee), Hearing Panel, and/or the Equity Resolution Appellate Officer by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or if by a student may be the basis for disciplinary action pursuant to the provisions of CRR 200.010. However, this obligation does not supersede nor expand any rights the individual may have under applicable state or federal statutory law or the U.S. Constitution. For purposes of this policy, "refusal to cooperate" does not include refusal to participate in any proceedings involving sex discrimination. The fact that a determination has been made that a Respondent has or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.
No employee or student, directly or through others, should take any action which may interfere with the investigation. Employees and students are prohibited from attempting to or actually intimidating or harassing any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.

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

1. To be treated with respect by University officials.
2. To be free from retaliation.
3. To have access to University support resources (such as counseling and mental health services and University health services).
4. To request a no contact directive between the Parties.
5. To have an Equity Support Person of the Party's choice accompany the Party to all interviews, meetings, and proceedings throughout the Equity Resolution Process.
6. To refuse to have an allegation resolved through Conflict or Administrative Resolution Processes.

7. To receive prior to a hearing or other time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
8. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
9. To have Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of the process or limited extension of time frames.
11. To be informed of the finding, rationale, sanctions and remedial actions.
12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13. To have an opportunity to request reconsideration of the summary determination ending the process, and appeal the determination of a hearing panel or decision-maker.
14. When the Complainant is not the reporting Party, the Complainant has full rights to participate in any Equity Resolution Process.
15. Additional Rights for Students as a Party:

    a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.040.H.
    b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.

16. Additional Rights for Hearing Panel Resolution:

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

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

If requested by a Student Party, the Equity Officer may assign an Equity Support Person to explain the Equity Resolution process and attend interviews, meetings and proceedings with a Student Party. University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Parties may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as an Equity Support Person.

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

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

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

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

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

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

The Parties may be accompanied to any related meeting or interview by an Equity Support Person of their choice, who may be, but is not required to be, an attorney;

however, the Equity Support Person may only participate in the proceedings as set forth in this policy.

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

The final investigative report will fairly summarize the relevant evidence.

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

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

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

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

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

N. **Summary Resolution.** During or upon completion of investigation, the Equity Officer will review the investigation which may include meeting with the Investigator(s). The investigative report is not provided to the Parties during Summary Resolution, but is provided to the Parties at either the Administrative Resolution or Hearing Panel Resolution. Based on that review, the Equity Officer will make a summary determination whether, based on the evidence gathered,

there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

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

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

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

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

O. **Conflict Resolution.** The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict Resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Parties are not required to waive their right to an investigation of a Complaint or a right to a hearing. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative or Hearing Panel

Resolution Process and either Party can stop the Conflict Resolution Process at any time and request either the Administrative Resolution Process or Hearing Panel Resolution Process. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer will determine if Conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution.

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

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

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

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

1. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
2. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
3. The decision-maker has the discretion to determine the relevance of any witness or documentary evidence and may exclude information that is irrelevant, immaterial, cumulative, or more prejudicial than informative. In

addition, the following rules shall apply to the introduction of evidence:

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

4. The Respondent may not directly question the Complainant and the Complainant may not directly question the Respondent. However, if both Complainant and Respondent request the opportunity, direct questioning between the Parties will be permitted in the Hearing Panel Resolution Process. Otherwise written questions will be directed to the Chair in the Hearing Panel Resolution Process, and those questions deemed appropriate and relevant will be asked on behalf of the requesting Party.
5. In the Administrative Resolution Process, the Respondent and the Complainant may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers to such questions will be shared with the requesting Party.
6. At any time prior to the deadline in the Notice of Administrative Resolution, the Complainant and/or the Respondent may request that the

Complaint shift from the Administrative Resolution process to the Hearing Panel Resolution process. Upon receipt of such timely request from either Party, the Complaint will shift to the Hearing Panel Resolution Process.

7. The Resolution Processes may proceed regardless of whether the Respondent chooses to participate in the investigation, the finding or the hearing.
8. The Administrative Resolution or Hearing Panel Resolution Process will normally be completed within a reasonably prompt time period, not to exceed one hundred twenty (120) days, following the Equity Officer's receipt of a Complaint. Unusual delays will be promptly communicated to both Parties.
9. For good cause, the decision-maker may, in their discretion, grant reasonable extensions to the time frames and limits provided.

Q. **Administrative Resolution:**

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

    a. A prompt, thorough and impartial investigation;
    b. A separate meeting with each Party and their Equity Support Person, if any, and the decision-maker, if requested;
    c. A written finding by the decision-maker on each of the alleged policy violations:

        (1) For Faculty Respondents by the Provost (or Designee)
        (2) For Student/Student Organization Respondents by the Equity Officer

    d. A written finding on sanctions for findings of responsibility:

        (1) For Faculty Respondents by the Provost
        (2) For Student/Student Organization Respondents by the Equity Officer

3. At least fifteen (15) business days prior to meeting with the decision-maker, or if no meeting is requested, at least fifteen (15) business days prior to the decision-maker rendering a finding(s), the decision-maker will send a letter (Notice of Administrative Resolution) to the Parties containing the following information:

a. A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
b. The name of the decision-maker.
c. Reference to or attachment of the applicable procedures.
d. A copy of the final investigative report.
e. The option and deadline of ten (10) business days from the date of the notice to request a meeting with the decision-maker.
f. An indication that the Parties may have the assistance of an Equity Support Person of their choosing at the meeting with the decision-maker, though the Equity Support Person's attendance at the meeting is the responsibility of the respective Parties.
g. The option and the deadline of ten (10) business days from the date of the Notice to request in writing that the matter be referred to the Hearing Panel Resolution process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.

4. The Notice of Administrative Resolution will be sent to each Party by email to their University-issued email account, or by the method of notification previously designated in writing by the Party. Notice is presumptively deemed delivered, when: 1) provided in person 2) emailed to the individual to their University-issued email account or 3) when sent via the alternate method of notification specified by the Party.
5. Within ten (10) business days from the date of the Notice of Administrative Resolution, the Parties have the right to have the matter referred to the Hearing Panel Resolution Process. If neither Party requests the Hearing Panel Resolution Process within the required time period, the matter will be decided through the Administrative Resolution Process and the right to the Hearing Panel Resolution Process is waived.
6. The decision-maker can, but is not required to, meet with and question the Investigator and any identified witnesses. The decision-maker may request that the Investigator conduct additional interviews and/or gather additional information. The decision-maker will attempt to meet separately with the Complainant and the Respondent, and their Equity Support Person, if any, to review the alleged policy violations and the investigative report. The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the decision-maker will render a finding utilizing the preponderance of the evidence standard. For Faculty Respondents, the Provost's Designee may recommend appropriate

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

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

R. **Hearing Panel Resolution**

1. **Equity Resolution Hearing Panelist Pool.** Each University will create and annually train a pool of not less than five (5) faculty and five (5) administrators and/or staff to serve as hearing panel members in the Hearing Panel Resolution Process. The faculty hearing panel members selected by the Chancellor (or Designee) shall be selected from a list of no less than ten (10) faculty members proposed by the faculty council/senate. Panelists are selected by the Chancellor (or Designee) and serve a renewable one-year term. Selection of hearing panel pool members shall be made with an attempt to recognize the diversity of the University community. Hearing Panel members from one University may be asked to serve on a hearing panel involving another University.
   The Chancellor (or Designee) will select a Hearing Panelist Pool Chair ("Pool Chair"). The Pool Chair randomly selects and coordinates the hearing panel members to serve on the Hearing Panel for a specific Formal Complaint. The Pool Chair may serve as a panel member for a specific Formal Complaint.
   Administrators, faculty, and staff will be removed from the Hearing Panelist Pool if they fail to satisfy the annual training requirements, as determined by the Equity Officer. Under such circumstances, the Equity Officer will notify the Chancellor (or Designee), who will inform the administrator, faculty, or staff member of the discontinuation of their term.
2. **Equity Resolution Hearing Panel ("Hearing Panel").** When a Complaint is not resolved through the Administrative Resolution Process, the Hearing Panelist Pool Chair will randomly select three (3) members from the Hearing Panelist Pool to serve on the specific Hearing Panel. A good faith attempt will be made for the Hearing Panel to include at least one faculty member and one administrator or staff member. Up to two (2) alternates may be designated to sit in throughout the process as needed. The University reserves the right to have its attorney present during the hearing and during deliberations to advise the Hearing Panel.

3. **Notice of Hearing.**

    a. At least twenty (20) business days prior to the hearing, the Equity Officer will send a letter (Notice of Hearing) to the Parties with the following information:

    (1) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
    (2) A description of or attachment of the applicable procedures.
    (3) A statement that the Parties may have the assistance of an Equity Support Person of their choosing, at the hearing; at the hearing, though the Equity Support Person's attendance at the hearing is the responsibility of the respective Parties.
    (4) The time, date and location of the hearing.
    (5) A list of the names of each of the Hearing Panel members and alternates, and information on how to raise an objection to any member of the Hearing Panel and the timeline in which to raise any objections.
    (6) A copy of the final investigative report and exhibits.
    (7) Notification to the Parties that all of the evidence gathered in the course of the investigation that is directly related to the allegations is available to the Parties and instructions regarding how to request access to that information.
    (8) Notice that the Parties may request a virtual hearing and/or any necessary accommodations.

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

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

    a. At least fifteen (15) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence that a Party intends to call or use at the hearing.
    b. At least ten (10) business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.

c. No employee or student, directly or through others, should take any action which may interfere with the investigation or hearing procedures. Employees and students are prohibited from attempted or actual intimidation or harassment of any potential witness. Failure to adhere to these requirements may lead to disciplinary action, up to and including expulsion or termination.
d. At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the Hearing Panel members.

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

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

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

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

7. **Requests to Reschedule the Hearing Date.** For good cause, the Chair of the Hearing Panel may grant requests to reschedule the hearing date.
8. **Conduct of Hearing.** The Chair of the Hearing Panel ("Chair" in this subsection) shall preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted, and establish the presence of any Equity Support Persons. Formal rules of evidence shall not apply.

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

    (1) **Investigator's Report and Testimony.** The Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Respondent and the Hearing Panel. The Investigator may also submit documentary evidence. The investigator(s) will remain present during the entire hearing process.
    (2) **Complainant's Evidence.** The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent (through the Hearing Panel Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.
    (3) **Respondent's Evidence.** The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Chair as discussed in Section 600.040.P above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Respondent may also

submit documentary evidence.

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

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

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

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

    a. The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation).

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

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

d. The Hearing Panel Decision will be provided to the Equity Officer (for Student Respondents) within five (5) business days of the end of deliberations. The Hearing Panel Decision will be provided to the Provost (or Designee) (for Faculty Respondents) within five (5) business days of the end of deliberations.

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

S. **Sanctions and Remedial Actions.**

1. **Factors Considered When Finding Sanctions/Remedial Actions.** When recommending or imposing sanctions and/or remedial actions, factors to consider include but are not limited to the following:

a. The nature, severity of, and circumstances surrounding the violation;
b. The disciplinary history of the Respondent;
c. The need for sanctions/remedial actions to bring an end to the conduct;
d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
e. The need to remedy the effects of the conduct on the Complainant and the University community; and
f. Any other information deemed relevant by the decision-maker(s).

2. **Types of Sanctions.**

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

(1) Warning - verbal or written;
(2) Performance Improvement Plan;
(3) Required counseling;
(4) Required training or education;

(5) Loss of annual pay increase;
(6) Loss of supervisory responsibility;
(7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions;
(8) For Non-Regular Faculty, immediate termination of term contract and employment;
(9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required;
(10) Suspension without pay;
(11) Non-renewal of appointment; and
(12) For Regular, Tenured Faculty, suspension without pay, removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations.

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

(1) **Warning.** A notice in writing to the Respondent Student or Respondent Student Organization that there is or has been a violation of institutional regulations.
(2) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Respondent Student or Respondent Student Organization is found to be violating any institutional regulation(s) during the probationary period.
(3) **Loss of Privileges.** Denial of specified privileges for a designated period of time.
(4) **Restitution.** Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.
(5) **Discretionary Sanctions**. Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming or counseling.
(6) **Residence Hall Suspension**. Separation of the Respondent Student from the residence halls for a definite period of time, after which the Respondent Student is eligible to return. Conditions for readmission may be specified.
(7) **Residence Hall Expulsion.** Permanent separation of the

Respondent Student from the residence halls.
(8) **Campus Suspension**. Respondent Student is suspended from being allowed on a specific University campus for a definite period of time. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the Chief Student Affairs Officer (or Designee).
(9) **University System Suspension.** Separation of the Respondent Student from the University System for a definite period of time, after which the Respondent Student is eligible to return. Conditions for readmission may be specified.
(10) **Withdrawal of Recognition.** Respondent Student Organization loses its Official Approval as a recognized student organization. May be either temporary or permanent.
(11) **University System Expulsion.** Permanent and complete separation (i.e., not eligible for online courses either) of the Respondent Student from the University System.

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

(1) Where the Complainant is a student:

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

(2) Where the Complainant is an employee:

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

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

d. **When Implemented.**

(1) Sanctions imposed against Student Respondents are stayed until the end of any appeal period or once an appeal, if any, is final,

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

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

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

recuse themselves. For Student and Student Organization Respondents, the Chancellor (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal; For Faculty Respondents, the President (or Designee) shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within five (5) business days of the delivery of the Notice of Administrative Resolution or Hearing Panel Decision. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.

3. **Response to Request for Appeal.** Within five (5) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party may file a response to the request for appeal. The response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.
4. **Review of the Request to Appeal.** The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:

    a. The request is timely;
    b. The appeal is on the basis of any of the articulated grounds listed above; and
    c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

    The Equity Resolution Appellate Officer will reject the request for appeal if any of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will render a written decision whether the request for appeal is accepted or rejected within fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) business days from receipt of the request, the appeal will be deemed accepted.
5. **Review of the Appeal.** If all three requirements for appeal listed in Paragraph 4 above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

    a. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, Administrative Resolution determination, or Hearing Panel Resolution, and relevant documentation regarding the

grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision- maker for reconsideration.

b. The Equity Resolution Appellate Officer will normally render a written decision on the appeal to all Parties within ten (10) business days from accepting the request for appeal. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.

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

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

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

V. **Records.** In implementing this policy, records of all Complaints, resolutions (including Conflict resolution and result therefrom, and Administrative Resolution and result therefrom), and hearings will be kept by the Equity Officer. For the purpose of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for seven (7) years following final resolution.
Each Equity Officer, including the Equity Officer for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a Complaint for that university/ academic medical center, and will report such data on an annual basis to the President of the University of Missouri. Additionally, statistical data relating to each university in the University of Missouri System shall be reported on an annual basis to that university's Chancellor and chief officers for human resources, student affairs, and diversity, equity and inclusion; the academic medical center shall report such statistical data for the academic medical center on an annual basis to the Executive Vice-Chancellor for Health Affairs. Data relating to the University of Missouri System shall be reported on an annual basis to the University of Missouri System's chief officers for human resources, student affairs, and diversity, equity and inclusion.

W. **Dismissal for Cause Referral.** If the recommended sanction for a Regular, Tenured Faculty member is referral to the Chancellor to initiate Dismissal for Cause, the Record of the Case will be forwarded to the appropriate Faculty

Committee on Tenure. Because the Dismissal for Cause proceeding is not a re-hearing of the Complaint, the Record of the Case will be included as evidence and the findings will be adopted for proceeding as detailed in Section 310.060: Procedures in Case of Dismissal for Cause in the Collected Rules and Regulations.

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

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

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

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

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

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

600.050 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri - for matters involving conduct alleged to have occurred on or after August 14, 2020

Bd. Min. 2-5-15; Amended 2-9-17 with effective date of 3-1-17; Amended 7-28-20 with an effective date of 8-14-20; Amended 02-04-21.

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

occurs when staff or faculty members are serving in the role of University employees.

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

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

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

D. **Definitions:**

1. **Administrative Resolution.** The equity resolution process of a Complaint by making a finding on each of the alleged policy violations and finding on sanctions without a hearing.
2. **Complainant.** "Complainant" refers to the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination Policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a claim of discrimination by a visitor, third party or applicant through the applicable Equity Resolution Process, the University will act as the Complainant. Former University Faculty or Staff members may act as the Complainant in the applicable Equity Resolution Process only when their employment is terminated and they allege that the termination of

employment was discriminatory. For any other allegations of discrimination by former University Faculty or Staff members, the University will investigate and appropriately respond to reports of a violation of the University's Anti-Discrimination Policies and if the University decides to pursue a claim of discrimination through the applicable equity resolution process, the University will act as the Complainant.

3. **Complaint.** A document prepared by the Equity Officer when a verbal or written report of alleged discrimination or harassment becomes known to the University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation.
4. **Conflict Resolution.** A voluntary resolution process using alternative dispute resolution mechanisms such as mediation, facilitated dialogue, or restorative justice.
5. **Designated Administrator**. Designated Administrators are administrators selected by the System Chief Diversity Officer to assist in the Administrative Resolution process.
6. **Equity Human Resources Officer ("Equity HR Officer").** The Equity Human Resources Officers ("Equity HR Officer") are trained human resources and/or equity administrators designated by either the Chancellor (or Designee) for University Staff Members and MU Health Staff Members or the President (or Designee) for System Staff Members to receive and assist with the investigation and resolution of reports or Complaints regarding violation of the University's Anti-Discrimination Policies.
7. **Equity Officer.** The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of Complaints regarding violation of the University's Anti-Discrimination Policies. All references to "Equity Officer" throughout this policy refer to the Equity Officer, or the Equity Officer's designee.
8. **Equity Resolution Appellate Officers.** Equity Resolution Appellate Officers are trained, senior-level administrators who hear all requests for reconsideration of summary determination and appeals stemming from the Equity Resolution Process, and are designated by either the Chancellor (or Designee) for University Staff Members or Health System Staff Members Respondents, or the President (or Designee) for System Staff Members or University Respondents.
9. **Equity Support Person.** The individuals selected by a Party to provide support and guidance throughout the Equity Resolution Process. Each Party is allowed one Equity Support Person.
10. **Investigators.** Investigators are trained individuals appointed by the Equity Officer to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.

11. **Parties.** The Complainant and the Respondent are collectively referred to as the Parties.
12. **Record of the Case.** The Record of the Case in the Section 600.050 Process includes, when applicable: Letter(s) of Notice, investigative report and exhibits; the finding on each of the alleged policy violations and sanctions by the decision-maker and the decision on appeal, including the request for appeal, any additional evidence submitted for appeal, and written arguments of the parties, if applicable.
13. **Report.** Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
14. **Respondent.** "Respondent" refers to the staff member or members alleged to have violated the University's Anti-Discrimination Policies, or the University of Missouri, one of the Universities within the University of Missouri System, or one of its or their academic programs, departments, or other institutional entities, depending on the nature of the report. If the University of Missouri is the Respondent, the Equity Officer will designate the Respondent representative, consistent with the below guidelines:

    a. For institutional complaints involving recruitment and admissions, the Respondent shall normally be represented by the Director of Admissions.
    b. For institutional complaints involving treatment in educational programs, the Respondent shall normally be represented by the appropriate department head.
    c. For institutional complaints involving nonacademic matters related to campus living and student life, the Respondent shall normally be represented by the appropriate administrative supervisor, department head, and/or director.
    d. For institutional complaints arising out of employment, the Respondent shall normally be represented by the supervisor, department head, or director of the employing unit.
    e. For institutional complaints relating to financial aid decisions, the Respondent shall normally be the Director of Student Financial Aid where the application for financial aid was originally filed or the award originally made.
15. **Staff Members.** Staff members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III. When academic administrators are acting in their administrative, at-will role, Complaints against them will be processed pursuant to this Equity Resolution Process.
16. **Summary Resolution.** Resolution of the Complaint upon the determination by the Equity Officer that there is an insufficient basis to

proceed with the Complaint that the Respondent violated the University's Anti-Discrimination Policies.

17. **Supervisor.** The individual or individuals who have authority to terminate the Respondent's employment. If a supervisor has a conflict as determined by the Equity Officer, the Equity HR Officer will determine the appropriate manager to act as the Supervisor for purposes of this rule.
18. **University's Anti-Discrimination Policies.** The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity and nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations.

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

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

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

If the report describes a possible violation, the Equity Officer will refer the matter to the appropriate procedural process and provide appropriate supportive measures. If the report does not describe a possible violation, the matter will be referred to the appropriate non-Equity process. Under those circumstances, the Equity Officer may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation. The preliminary inquiry shall be conducted promptly (typically within 7-10 business days) of receiving the report.

G. **Filing a Complaint**.

A Complaint is a document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment becomes known to the

University, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation. As used herein, the phrase "document filed and signed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Complaint.
All Complaints alleging discrimination or harassment under this policy will be investigated. The University may serve as the Complainant when the person alleged to have been subjected to discrimination or harassment in violation of the University's Anti-Discrimination policies chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued. If the University decides to pursue a report of discrimination by a visitor, third party or applicant through the applicable equity resolution process, the University will act as the Complainant. Where the Equity Officer prepares a Complaint, the Equity Officer is not a Complainant or otherwise a party under this policy.
The University may consolidate Complaints as to allegations of discrimination or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other Party where the allegations of discrimination or harassment, arise of the same facts or circumstances. Where this process involves more than one Complainant or more than one Respondent, each Complainant and each Respondent shall be entitled and subject to all of the rights and obligations set forth herein.

H. **Notice of Allegations**:

1. Upon receipt of a Complaint, the Equity Officer, will provide a written notice to the known Parties that includes the following:

    a. A description of the University's available Equity Resolution processes, including Conflict Resolution;
    b. Notice of the allegations of discrimination and/or harassment, including sufficient details known at the time. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct allegedly constituting the discrimination and/or harassment; and the date and location of the alleged incident.
    c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Equity Resolution process.
    d. A statement notifying the Parties of the availability of supportive measures.
    e. A statement notifying the Parties of their right to have an Equity Support Person of their choice, who may be, but is not required to be, an attorney.

f. A statement notifying the Parties that they may have an Equity Support Person selected by a Party accompany the Party to all meetings, interviews, and proceedings to provide support for the Party throughout the Equity Resolution Process.
g. A statement notifying the Parties that they will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and including inculpatory or exculpatory evidence whether obtained from a Party or other source.
h. A statement notifying the Parties that they must be truthful when making any statement or providing any information or evidence to the University throughout the process, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence by an employee may be the basis for personnel action pursuant to CRR 370.010 or HR 601, or other applicable University policies, or for disciplinary action pursuant to CRR 200.010 for students.
i. A statement that nothing in the Equity Process is intended to supersede nor expand any rights the individual may have under applicable state or federal statutory laws or the U.S. Constitution.
j. A statement informing a Party that all notices hereafter will be sent via their University-issued email account, unless they provide to the Equity Officer an alternate method of notification. If a Party does not have a University-issued email account, all notices hereafter will be via U.S. Mail unless they provide the Equity Officer with a preferred method of notification.

2. The Notice of Allegations will be made in writing to the Parties by email to the Party's University-issued email account, with a read-receipt or reply email requested. If a read-receipt or reply email is not returned within three (3) business days or the Party does not have a University-issued email account, the Notice of Allegations shall be sent via U.S. Mail postage pre-paid to the last known address of the Party. Notice also may be provided in person to either Party. Notice is presumptively deemed delivered, when: 1) provided in person, 2) emailed to the individual, or 3) when mailed.

I. **Supportive Measures and Administrative Leave**

1. **Supportive Measures.** Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint. These measures are designed to restore or preserve equal access to the University's education programs, activities or employment without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the

University's education environment, or deter discrimination and harassment. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Equity Officer is responsible for the effective implementation of supportive measures. Supportive measures may include:

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

(1) Referral of that Party to academic support services and any other services that may be beneficial to the Party.
(2) Adjusting the courses, assignments, and/or exam schedules of the Party.
(3) Altering the on-campus housing assignments, dining arrangements, or other campus services for the Party.

g. Providing limited transportation accommodations for the Parties.
h. Informing the Parties of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.

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

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

sex discrimination. The fact that a determination has been made that a Respondent has or has not violated any policy is not sufficient grounds, by itself, to declare that a false statement or fraudulent evidence has been provided by a Party or witness.

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

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

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

    a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.050.I.
    b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Equity Officer.

L. **Role of Equity Support Persons.** Each Complainant and Respondent is allowed to have one Equity Support Person of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whomever they wish to serve as their Equity Support Person, including an attorney. An Equity Support Person is not required and any Party may elect to proceed without an Equity Support Person.
If Complainant is a student, they may request that the Equity Officer assign an Equity Support Person to provide support throughout the Equity Resolution Process. University Equity Support Person(s) are administrators, faculty, or staff at the University trained on the Equity Resolution Process. The Complainant may not require that the assigned Equity Support Person have specific qualifications such as being an attorney. An Equity Support Person cannot be called upon as a witness by a Party in a hearing to testify about matters learned while that individual was acting in their capacity as an Equity Support Person.

M. **Investigation.** Upon the initiation of a formal investigation, the Equity Officer will promptly appoint a trained Investigator or a team of trained Investigators to investigate the Complaint.
The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University.
The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so for use in the Equity Resolution process.
The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. The Parties may present witnesses and other inculpatory and exculpatory evidence; all such evidence must be relevant.
A Party whose participation is expected or invited at an interview or meeting shall receive written notice of the date, time, location, participants, and purpose of all meetings or investigative interviews with sufficient time for the Party to prepare to participate.
The Parties may be accompanied to any related meeting or proceeding by an Equity Support Person of their choice, who may be, but is not required to be, an attorney; however, the Equity Support Person may only participate in the proceedings as set forth in this policy.
The Investigator(s) will make reasonable efforts to conduct interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigative report to the Equity Officer. This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.

The final investigative report will fairly summarize the relevant evidence.
All investigations will be thorough, reliable and impartial. All interviews shall be recorded. In the event that recording is not possible due to technological issues, the investigator shall take thorough notes and such notes shall be provided to the Parties in lieu of recordings. The investigator shall document the reason the recording was not possible and such documentation shall become part of the Record of the Case.
The investigation of reported discrimination or harassment should be completed expeditiously, normally within thirty (30) business days of the filing of the Complaint. Investigation of a Complaint may take longer based on the nature and circumstances of the Complaint.

N. **Impact of Optional Report to Law Enforcement**. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. However, University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that such charges have been dismissed or reduced.
The Equity Officer will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Equity Resolution process. However, an Equity investigation and resolution process may be temporarily delayed for good cause, which can include concurrent law enforcement activity. In such instances, written notice of the delay or extension with reasons for the action will be sent to each Party.
If delayed, the Equity Officer will promptly resume the Equity investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Equity Officer will implement appropriate supportive measures during the law enforcement agency's investigation period to provide for the safety of all Parties, the University community and the avoidance of retaliation, discrimination, or harassment.

O. **Summary Resolution**. During or upon completion of investigation, the Equity Officer will review the investigation which may include meeting with the Investigator(s). The investigative report is not provided to the Parties during Summary Resolution, but is provided to the Parties at Administrative Resolution. Based on that review, the Equity Officer will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.
If the Equity Officer determines that there is a sufficient basis to proceed with the Complaint, then the Equity Officer will direct the process to continue. The Complaint will then be resolved through either Conflict Resolution or Administrative Resolution. There is no right to request reconsideration or appeal the summary determination to continue the process.

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

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

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

P. **Conflict Resolution**. The Parties may choose to engage in Conflict Resolution at any time during the Equity Resolution Process. The decision of the Parties to engage in Conflict Resolution must be voluntary, informed, and in writing. The Parties are not required to engage in Conflict Resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Parties are not required to waive their right to an investigation of a Complaint or a right to Administrative Resolution. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative Resolution Process and either Party can stop the Conflict Resolution Process at any time and request the Administrative Resolution Process. Conflict Resolution is never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student. Upon receiving a request for Conflict Resolution, the Equity Officer will determine if Conflict Resolution is appropriate based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution.
In Conflict Resolution, which includes mediation or facilitated dialogue, a neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible. The Complainant's and the Respondent's Equity Support Person may

attend the Conflict Resolution meeting. The Parties will abide by the terms of the agreed upon resolution. Failure to abide by the terms of the agreed upon resolution may be referred to the Equity Officer for review and referral to the appropriate University Process for discipline or sanctions. The Equity Officer will keep records of any Conflict Resolution that is reached.
In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred back to the Administrative Resolution process. The content of the Parties' discussion during the Conflict Resolution Process will be kept confidential in the event the matter proceeds to the Administrative Resolution Process. The Parties' agreement to participate in, refusal to participate in, or termination of participation in Conflict Resolution shall not be factors in any subsequent decisions regarding whether a policy violation occurred.

Q. **Administrative Resolution.**

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

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

        (1) Questions and evidence about the Complainant's pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
        (2) Character evidence is information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, or qualities of an individual, including honesty. Such evidence regarding either Party's character is of limited utility and

shall not be admitted unless deemed relevant by the decision-makers.
(3) Incidents or behaviors of a Party not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by a Party that shows a pattern may be considered only if deemed relevant by the decision-makers.
(4) A Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the Party, may not be used without that Party's express consent.
(5) The decision-makers shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

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

2. **Process for Administrative Resolution**
Administrative Resolution can be pursued for any behavior that falls within the University's Anti-Discrimination Policies.
The Administrative Resolution process consists of:
   a. A prompt, thorough and impartial investigation by the Investigator;
   b. A separate meeting with each Party and their Equity Support Person, if any, and the joint decision-makers, if requested;
   c. A joint finding by designated decision-makers. For Complaints against a Staff member as a Respondent, a joint finding will be

issued by the Equity HR Officer and Supervisor on each of the alleged policy violations and sanctions and remedial actions, if any, for findings of responsibility. For Complaints against the University of Missouri as a Respondent, a joint finding will be issued by the Equity Officer and Designated Administrator on each of the alleged policy violations and remedial actions for findings of responsibility.

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

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

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

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

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

R. **Sanctions and Remedial Actions**

1. If the Staff Respondent is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will determine sanctions and remedial actions. If the University is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity Officer and Designated Administrator will determine remedial actions.
2. Factors to be considered when finding sanctions and remedial actions may include:

    a. The nature, severity of, and circumstances surrounding the violation;
    b. The disciplinary history of the Respondent;
    c. The need for sanctions/remedial actions to bring an end to the conduct;
    d. The need for sanctions/remedial actions to prevent the future recurrence of conduct;
    e. The need to remedy the effects of the conduct on the Complainant and the University community; and
    f. Any other information deemed relevant by the decision-maker(s).
3. **Types of Sanctions.** The following sanctions may be imposed upon any Staff Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:

    a. Warning – verbal or written;
    b. Performance improvement plan;
    c. Required counseling;
    d. Required training or education;
    e. Loss of annual pay increase;

f. Loss of supervisory responsibility;
g. Demotion;
h. Suspension without pay;
i. Termination; and
j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.

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

   a. Where the Complainant is a student:

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

   b. Where the Complainant is an employee:

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

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

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

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

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

   a. A procedural irregularity that affected the outcome of the dismissal decision or the Administrative Resolution Process (e.g., material deviation from established procedures, etc.);

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

2. **Requests for Appeal.** Both the Complainant and the Respondent may appeal to the Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent; if the Equity Resolution Appellate Officer does not believe that they can make an objective decision about an appeal, they should recuse themselves and the Chancellor (or Designee) for University Staff Respondents, or the President (or Designee) for System Staff and University Respondents, shall appoint an alternate Equity Resolution Appellate Officer to hear the pending appeal. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within five (5) business days of the delivery of the notice of joint findings by the designated decision-makers. When any Party requests an appeal, the other Party will be notified and receive a copy of the request for appeal from the Equity Resolution Appellate Officer.
3. **Response to Request for Appeal**. Within five (5) business days of the delivery of the notice and copy of the request for appeal, the non-appealing Party may file a written response to the request for appeal. The written response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.
4. **Review of the Request to Appeal.** The Equity Resolution Appellate Officer will make an initial review of the appeal request(s) to determine whether:

    a. The request is timely;
    b. The appeal is on the basis of any of the articulated grounds listed above; and
    c. When viewed in the light most favorable to the appealing Party, the appeal states grounds that could result in an adjusted finding or sanction.

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

decision whether the request for appeal is accepted or rejected within fifteen (15) business days from receipt of the request for appeal. If no written decision is provided to the Parties within fifteen (15) business days from receipt of the request, the appeal will be deemed accepted.

5. **Review of the Appeal.** If all three requirements for appeal listed in Paragraph 4 above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

    a. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and Record of the Case, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision-maker for reconsideration.
    b. The Equity Resolution Appellate Officer will provide a written decision on the appeal simultaneously to all Parties within ten (10) business days from accepting the request for appeal. This decision will describe the result of the appeal and the rationale for the result.
    c. In the event the Equity Resolution Appellate Officer is unable to render a written decision within ten (10) business days from accepting the request for appeal, the Equity Resolution Appellate Officer will promptly notify the Parties in writing of the delay.
    d. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.

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

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

U. **Records.** In implementing this policy, records of all Complaints and resolutions will be kept by the Equity Officer. For purposes of review or appeal, the Record of the Case will be accessible at reasonable times and places to the Respondent and the Complainant. The Record of the Case will be kept for a minimum of seven (7) years following final resolution.
Each Equity Officer, including the Equity Officer for the academic medical center, shall maintain statistical, de-identified data on the race, gender and age of each Party to a Complaint for that university/ academic medical center, and will report

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

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

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

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

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

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

5. Amendment, Collected Rule and Regulation 340.130, Work-Incurred Injury or Illness

340.130 Work-Incurred Injury or Illness

Bd. Min. 4-19-69, p. 34,549; Bd. Min. 7-15-86; Bd. Min. 7-13-00; Bd. Min. 10-23-09; Amended 7-28-20; Amended 2-4-21.

A. **Workers' Compensation**

1. **Eligible Employees** -- All academic and non-academic employees of the University, both full-time and part-time, (including student employees) are extended coverage.

2. **Conditions of Coverage** -- Workers' Compensation provides for the payment of medical expenses and compensation to any employee, who receives personal injuries arising out of, and in the course of, the employee's employment or who incurs an occupational disease in the course of that employment. A death benefit is payable should the accident or disease result in death.
    a. Missouri statutes, and not the University or the University's claims administrator, determine if medical expenses and compensation are payable and, if payable, the length and amount of such benefits.
    b. A waiting period of three days is prescribed by law, whereby no benefit for lost wages is payable unless the disability lasts longer than 14 days, in which case payment for the three-day waiting period shall be allowed.

3. **Administrative Regulations**
    a. It is the responsibility of the employee's Supervisor to submit a *Report of Injury* within 24 hours of the injury.
    (1) The department submitting the report shall cooperate fully with the claims administrator in order to expedite the claims process.

b. After an employee has returned to work following a work-incurred injury or illness, the department is responsible for notifying the Campus Workers' Compensation Coordinator of any subsequent absences for which the employee does not receive regular pay due to the same injury or illness.

c. All matters regarding coverage, or the claim, should be referred to the Campus Workers' Compensation Coordinator.

B. **Absence Due to Work-Incurred Injury or Illness** -- It is the policy of the University that an injured employee shall be excused from work without loss of pay, vacation, personal leave or sick leave in order to obtain medical attention on the day the accident occurs and any subsequent treatment related to that injury during days the employee is working.

1. All such absences shall be limited to the time required to obtain the necessary medical attention.

2. An employee may be required to furnish satisfactory proof of such medical attention.

3. In the event an injured employee is unable to return to work, as recommended by the physician, such employee will be granted leave without pay. The employee may elect to use accumulated vacation, personal leave, or sick leave in accordance with the policy. The leave may be extended until such time as the employee is able to return to work, or for a maximum period of one year.

   NOTE: The three-day waiting period begins the first regularly scheduled work day following the injury or day of first medical treatment for all full-time employees. The waiting period for employees who work part-time or on an irregular schedule will be the first three calendar days following the injury or date of first medical treatment.

4. During the three-day waiting period, a full-time employee may charge any absence to accumulated vacation, personal leave, or sick leave.

5. Following the three-day waiting period, an injured employee may elect to use accumulated vacation, personal leave, or sick leave subject to the following restrictions, in addition to the benefit received from Workers' Compensation:
    - 8 hours or less of vacation per day, OR
    - 8 hours or less of personal leave per day, OR
    - A combination of vacation or personal leave up to 8 hours per day, OR
    - Enough sick leave to make up the difference between what is paid by Workers' Compensation and the employee's regular pay.

6. An injured employee who is unable to return to work and who has been granted a leave of absence shall continue to accumulate seniority and retirement and shall be permitted to accumulate vacation and sick leave for a period not to exceed one year. Such vacation and sick leave accumulations will be credited to the account of the employee only upon return to an employment status.

6. Amendment, Collected Rule and Regulation 520.010, Benefit Programs

Bd. Min. 4-10-15; Revised 6-25-15; Revised 9-26-19; Amended Bd. Min. 7-28-20; Revised 7-28-20; Amended 2-4-21.

A. **Introduction –** The University's benefits include the medical, dental, long term disability plans and various other insurance benefits available to faculty and staff, retirees, former employees, and their dependents (hereafter "Participants") as described in the respective benefits plan documents. The following sections of the Collected Rules and Regulations are being replaced by this new policy statement: Sections 500.010, 510.010, 540.010 and 550.010. The voluntary and defined contribution retirement plans previously contained in Sections 530.030, 570.010, 580.010 and 590.010 of the Collected Rules and Regulations are being replaced by this new policy statement. However, the University's Retirement, Disability and Death Benefit Plan contained in Section 530.010 of the Collected Rules and Regulations is not being replaced or otherwise affected by this policy statement. The cost for the covered benefit plans, various other insurance benefits and the covered voluntary and defined contribution retirement plans are funded with contributions by the University and contributions and/or premiums paid by Participants. The University determines the contribution and premium amounts on an annual basis considering the costs required to provide and administer the

benefits. The University also provides other benefits programs on a voluntary participation basis including educational assistance, employee assistance program, and leave benefits to support the work-life balance and other needs of eligible Participants. Together, all of these benefits are considered the Total Rewards offered by the University. This benefits policy provides direction for the provision, selection and administration of the covered benefits programs.

B. **Objectives** – It is the University's intention to provide competitive benefits programs that are valued by current and prospective faculty and staff. The definitions pertaining to benefit eligibility are contained in Section 320.050 of the Collected Rules and Regulations or in the respective benefit plan documents.

C. **Faculty, Staff and Retiree Involvement** – An advisory committee, appointed by the Vice President and Chief Human Resources Officer ("CHRO"), shall serve in an advisory capacity in matters related to benefits programs and in the treatment of pay and benefits as interrelated parts of the University's overall Total Rewards. The advisory committee shall be comprised of at least 12 members. Committee membership shall consist of a faculty and a staff member from each campus, a hospital representative and a retiree representative appointed by the CHRO from nominations by the campuses, retiree associations and self-nominations. The CHRO may appoint additional at large members and the Committee Chair at the CHRO's discretion. In making the committee appointments the CHRO will strive to appoint members to represent the various University constituencies. The Committee may study, consider and make recommendations to the CHRO regarding proposed revisions to, modifications of, additions to, or deletions from benefits programs covered by this policy statement. This advisory role does not include the selection or management of vendors, plan investments or other administrative responsibilities; however, members may provide input on program design as related to the needs of Participants, provide feedback on communication and education, and advise in other areas.

D. **University Financial Support of Benefits Programs** – The University will contribute to the cost of the covered benefit programs (medical, dental, disability, and life) as well as covered voluntary and defined contribution retirement plans and leave programs. The University may develop, administer and support other benefits programs that are not contributed to by the University but that provide competitive, affordable and accessible programs valued by faculty and staff.

E. **Responsibilities and Authorities**

1. The Board of Curators hereby delegates management of these covered benefits including, without limitation, overall financial management, cost and administration, plan design, and selection of vendors to the

President of the University. For purposes of the preceding sentence, the term “plan design” shall include calendar year deductibles, coinsurance, Participant contributions or premiums, the University's and/or Participant's contribution percentages, copays, covered charges, covered services, out-of-pocket maximums and exclusions, but shall not include any modification of eligibility requirements, or vesting requirements. The President may further re-delegate all or a portion of these delegated management responsibilities at the President's discretion in the manner, and documented in accordance with, applicable University policies.

2. The Board of Curators hereby delegates to the President the authority to amend the plan documents for these covered benefits when such amendments are required by law, as determined by the General Counsel.
3. For all other proposed amendments to the plan documents for these covered benefits other than the foregoing delegated management responsibilities described in Section 520.010.E.l. above and the foregoing delegated authority for amendments required by law described in Section 520.010.E.2. above, the Board of Curators hereby delegates to the President the authority to amend the plan documents for these covered benefits; provided, however that such amendments shall be provided to the Board of Curators so that it has an opportunity to reject any such amendments prior to their effective date.
4. Under the direction of the Vice President the covered benefits programs will be audited and/or evaluated as appropriate to ensure efficient and effective administration, service and pricing. An annual benefits report will be provided to the Board of Curators and will include:

    a. Any action taken pursuant to the authority delegated hereby including, but not limited to, changes in the University's cost of and contribution to the covered benefit plans and/or the individual Participant's cost of and contributions to the covered benefits plans;
    b. Current trends and developments in the strategic direction of Total Rewards both within higher education and in the market as a whole (market review);
    c. A comparative peer analysis of the University's benefits;
    d. The University's strategic direction in regard to ensuring a competitive benefits offering; and
    e. The financial status and projected financial impact of the benefits programs; and other data related to the programs.

7. Amendment, Collected Rule and Regulation 350.020, Labor Union Recognition

350.020 Labor Union Recognition

Bd. Exec. Comm Min. 2-19-67, p. 2,163; Amended Bd. Min. 9-7-79; Amended Bd. Min. 7-22-83; Bd. Min. 6-29-79, p. 38,001 and Bd. Min. 3-17-87; Amended Bd. Min. 9-26-97; 1-29-99, Amended Bd. Min. 5-17-02, Amended Bd. Min. 7-27-07; Amended 7-28-20; Amended 2-4-21.

A. **Public Service Employees' Local Union** -- The Board of Curators recognizes Laborers' International Union of North America, Local 955 AFL-CIO and International Union of Operating Engineers', Local 148, AFL-CIO as the exclusive bargaining agent to represent certain service and support employees within the University for the purpose of discussing general working conditions, employee benefits and services, opportunities for training and grievances with the University Administration.
    1. **Membership** -- Service and support employees represented by this exclusive bargaining agent are employed by the University of Missouri and include regular service and support employees, excluding secretarial and clerical employees, technical and professional employees, student employees, non-regular employees, Campus police and security guards, confidential, managerial, supervisory, and administrative staff and faculty members.

B. **Missouri Nurses' Association** -- The Board of Curators recognizes the Missouri Nurses' Association as a labor organization to exclusively represent certain Registered Nurses within the University for the purpose of discussing general working conditions, employee benefits and services, opportunities for training and grievances with the University Administration.
    1. **Membership** -- Nurses as referred to in this manual are Registered Professional Nurses employed by the University of Missouri to perform direct or indirect patient care. Excluded from the Unit are Head Nurses, Assistant Directors, Directors of Nursing Service, and any nurse hired to perform educational faculty duties within the School of Nursing. This definition is meant to comply directly with the determination of the Missouri State Board of Mediation in public case #76-008.

C. **International Brotherhood of Electrical Workers** -- The Board of Curators recognizes the International Brotherhood of Electrical Workers, Local 257, as a labor organization to exclusively represent Broadcast Engineers I, II and III at KOMU-TV for the purpose of discussing general working conditions, employee benefits and services, opportunities for training and grievances with the University of Administration.
    1. **Membership** -- University of Missouri employees represented by the exclusive bargaining agent are regular Broadcast Engineers I, II and III. This definition is meant to comply directly with the determination of the Missouri State Board of Mediation in Public Case #86-113.

D. The Board desires to make clear

1. That the Board will not condone any type of attempted coercion, including striking or picketing, and
2. That the Board does not require any employee to become or remain a member of such union, and
3. That any employee may periodically discuss with or present to the administration, and through the administration to this Board any problem or suggestion concerning the employee's job or working conditions; and
4. That no discrimination of any kind will be made, either in favor of or against, any employee because the employee is or becomes a member of Laborers' International Union of North America, Local 955 AFL-CIO and International Union of Operating Engineers', Local 148, AFL-CIO or does not become or remain a member of such unions.
5. That no discrimination of any kind will be made, either in favor of or against, any employee because the employee is or becomes a member of Missouri Nurses' Association or does not become or remain a member of such association. All employees shall have the same privileges and benefits and shall be expected to assume the same responsibilities and abide by the same rules and regulations whether members of the association or not.

   NOTE: The Board will not relinquish any of its legal responsibilities to appoint, remove, and fix the compensation, terms and conditions of employment of its employees.
6. That no discrimination of any kind will be made, either in favor of or against, any employee because the employee is or becomes a member of International Brotherhood of Electrical Workers, Local 257, or does not become or remain a member of such union. All employees shall have the same privileges and benefits and shall be expected to assume the same responsibilities and abide by the same rules and regulations whether members of the union or not.

8. Amendment, Collected Rule and Regulation 350.030, Checkoff of Union Dues

350.030 Check-Off of Union Dues

Bd. Exec. Comm. Min. 2-19-67, p. 2,163; Amended Bd. Min. 9-7-79 and Bd. Min. 3-17-87 and Bd. Min. 3-17-87; Amended Bd. Min. 9-26-97; 1-21-98; 1-29-99, Amended Bd. Min. 5-17-02; Amended Bd. Min. 7-27-07; Amended 7-28-20; Amended 2-4-21.

A. **Missouri Nurses' Association**

1. **Non-Academic Personnel** -- The Board of Curators has adopted the following policy relating to check-off of union dues for non-academic personnel of the University of Missouri.

a. Commencing with the pay period beginning on _____, authorized non-academic employees of the University of Missouri represented by the Missouri Nurses' Association who desire to have their regular union dues to such organization withheld from their wages may do so under the following procedure.
b. Any employee desiring to assign and have dues withheld from the employee's wages shall execute a "Request and Authorization for Deduction of Organization Dues," which shall provide, in addition to necessary information, the following wording:
(1) "Beginning _____, I, the undersigned do hereby assign to "Missouri Nurses' Association", and hereby authorize the Curators of the University of Missouri to deduct from any net wages due to me and pay to said union such sum monthly as shall equal the monthly membership dues as may be from time to time established and certified by said union to the Curators of the University of Missouri. This assignment and authorization shall remain in full force and effect until the January 1 or July 1 after delivery by me to the Curators of the University of Missouri of a written revocation."
c. The assignment and deduction of union dues as provided for in Section 350.030 A.1.b. will become effective the first day of the month after the request and authorization is delivered to Human Resource Services, providing it is delivered to Human Resource Services not later than the 25th of the month.
d. Such employees desiring such deduction shall execute the authorization provided for in Section 350.030 A.1.b to be delivered to Human Resource Services on the appropriate campus.

2. **Authorized Deduction** -- The Office of the Vice President for Finance and Administration of the University of Missouri is hereby authorized, upon the filing of such requests and authorizations, to deduct from any net earnings due and payable to such employee the regular monthly dues as may be certified to the Office of the Vice President for Finance and Administration by the appropriate union. Such deduction shall be made once each month, and the Office of the Vice President for Finance and Administration shall, monthly, forward to the designated official of such union, the following:
a. A copy of any "Request and Authorization for Deduction of Organization Dues" filed as provided with the University during the preceding month.
b. A list of only such employees for whom the Office of Vice President for Finance and Administration had made a deduction showing the amount of dues deducted for each such employee.
c. The total amount of such dues withheld, less the monthly cost to the University of such dues deductions.
d. A copy of any "Withdrawal of Authorization for Deduction of Organization Dues" notices filed with the Office of the Vice President for Finance and Administration during the preceding month.

3. **Withdrawal of Authorization for Deduction** -- Any employee who has executed and filed with the Curators of the University of Missouri a "Request and Authorization for Deduction of Organization Dues" as herein above provided may terminate such assignment and revoke such authorization by executing, at the Office provided in Section 350.030 A.2.d above, a "Withdrawal of Authorization for Deduction of Organization Dues" form, which shall, in addition to the necessary identification, contain the following language:

   "I, the undersigned, do hereby revoke my assignment to, and authorization to deduct dues from my wages for (Missouri Nurses' Association), effective with the first payroll period beginning on or after the first January 1 or July 1 following the date of this revocation."
4. **Rules and Regulations** -- The Office of the Vice President for Finance and Administration is hereby authorized to make such rules and regulations as may be necessary or desirable to carry into effect the terms of this resolution.

B. **Service and Maintenance Bargaining Units**

1. **Policy** -- Any employee within the recognized bargaining unit desiring to assign and have dues withheld from the employee's wages shall execute a "Request and Authorization for Deduction of Organization Dues", which shall provide, in addition to necessary information, the following wording:

   "Beginning _____, I, the undersigned, do hereby assign to (Laborers' International Union of North America, Local 955), or (International Union of Operating Engineers', Local 148), and hereby authorize The Curators of the University of Missouri to deduct from any net wages due to me and pay to said union such sum monthly as shall equal the monthly membership dues as may be from time to time established and certified by said union to The Curators of the University of Missouri."

   "This assignment and authorization shall remain in full force and effect until January 1 after delivery by me to The Curators of the University of Missouri of a written revocation."

   a. The assignment and deduction of union dues as provided for above will become effective the first day of the month after the request and authorization is delivered to Human Resource Services, providing it is delivered to Human Resource Services not later than the 25th of the month.
   b. Such employees desiring such deduction shall execute the authorization to be delivered to Human Resource Services on the appropriate campus:
   c. Regular employees in classifications within the recognized bargaining unit will be eligible for membership and may choose to authorize check-off of union dues as outlined above. Such membership does not alter any other section, policy or procedure outlined herein and does not make the provisions of this document, unless otherwise stated, applicable to non-regular employees.

2. **Authorized Deduction** -- The Office of the Vice President for Finance and Administration of the University of Missouri is hereby authorized, upon the filing of such requests and authorizations, to deduct from any net earnings due and payable to such employee the regular monthly dues as may be certified to the Office of the Vice President for Finance and Administration by the appropriate union. Such deduction shall be made once each month, and the Office of the Vice President for Finance and Administration shall, monthly, forward to the designated official of such union, the following:
   a. A copy of any "Request and Authorization for Deduction of Organization Dues" filed as provided with the University during the preceding month.
   b. A list of only such employees for whom the Office of the Vice President for Finance and Administration had made a deduction showing the amount of dues deducted for each such employee.
   c. The total amount of such dues withheld, less the monthly cost to the University of such dues deductions.
   d. A copy of any "Withdrawal of Authorization for Deduction of Organization Dues" notices filed with the Office of the Vice President for Finance and Administration during the preceding month.
3. **Withdrawal of Authorization for Deduction** -- Any employee who has executed and filed with the Curators of the University of Missouri a "Request and Authorization for Deduction of Organization Dues" as hereinabove provided, may during the period December 1 thru December 31 annually, terminate such assignment and revoke such authorization by executing at the office provided in Section 350.030 B.2.d, a "Withdrawal of Authorization for Deduction of Organization Dues" form, which shall, in addition to the necessary identification, contain the following language:

   "I, the undersigned, do hereby revoke my assignment to, and authorization to deduct dues from my wages for (Laborers' International Union of North America, Local 955), (International Union of Operating Engineers', Local 148), effective with the first payroll period beginning on or after the first January 1 following the date of this revocation."
4. **Rules and Regulations** -- The Office of the Vice President for Finance and Administration is hereby authorized to make such rules and regulations as may be necessary or desirable to carry into effect the terms of this resolution.

C. **International Brotherhood of Electrical Workers**

1. **Policy** -- Any employee within the recognized bargaining unit desiring to assign and have dues withheld from the employee's wages shall execute a "Request and Authorization for Deduction of Organization Dues," which shall provide, in addition to necessary information, the following wording:

   "Beginning _____, I, the undersigned, do hereby assign to International Brotherhood of Electrical Workers, Local 257, and hereby authorize The Curators of the University of Missouri to deduct from any net wages due to me and pay to said union such sum monthly as shall equal the monthly membership dues as may be from time to time established and

certified by said union to The Curators of the University of Missouri."

"This assignment and authorization shall remain in full force and effect until January 1 after delivery by me to The Curators of the University of Missouri of a written revocation."

a. The assignment and deduction of union dues as provided for above will become effective the first day of the month after the request and authorization is delivered to Human Resource Services, providing it is delivered to Human Resource Services not later than the 25th of the month.
b. Such employees desiring such deduction shall execute the authorization provided for in 1. to be delivered to Human Resource Services located at Columbia, Missouri.
c. Regular employees in classifications within the recognized bargaining unit will be eligible for membership and may choose to authorize check-off of union dues as outlined above. Such membership does not alter any other section, policy or procedure outlined herein and does not make the provisions of this document, unless otherwise stated, applicable to non-regular employees.

2. **Authorized Deduction** -- The Office of the Vice President for Finance and Administration of the University of Missouri is hereby authorized, upon the filing of such requests and authorizations, to deduct from any net earnings due and payable to such employee the regular monthly dues as may be certified to the Office of the Vice President for Finance and Administration by International Brotherhood of Electrical Workers, Local 257. Such deduction shall be made once each month, and the Office of the Vice President for Finance and Administration shall, monthly, forward to the designated official of International Brotherhood of Electrical Workers, Local 257, the following:
   a. A copy of any "Request and Authorization for Deduction of Organization Dues" filed as provided with the University during the preceding month.
   b. A list of only such employees for whom the Office of the Vice President for Finance and Administration had made a deduction showing the amount of dues deducted for each such employee.
   c. The total amount of such dues withheld, less the monthly cost to the University of such dues deductions.
   d. A copy of any "Withdrawal of Authorization for Deduction of Organization Dues" notices filed with the Office of the Vice President for Finance and Administration during the preceding month.
3. **Withdrawal of Authorization for Deduction** -- Any employee who has executed and filed with the Curators of the University of Missouri a "Request and Authorization for Deduction of Organization Dues" as hereinabove provided, may during the period December 1 thru December 31 annually, terminate such assignment and revoke such authorization by executing at the office provided in Section 350.030 1.a "Withdrawal of Authorization for Deduction of Organization Dues" form, which shall, in addition to the

necessary identification, contain the following language:

"I, the undersigned, do hereby revoke my assignment to, and authorization to deduct dues from my wages for International Brotherhood of Electrical Workers, Local 257, effective with the first payroll period beginning on or after the first January 1 following the date of this revocation."

4. **Rules and Regulations** -- The Office of the Vice President for Finance and Administration is hereby authorized to make such rules and regulations as may be necessary or desirable to carry into effect the terms of this resolution.

9. Sole Source, Hydrogen Steelmaking Pilot Reactor, Missouri S&T

that Missouri S&T be authorized to purchase a Hydrogen Steelmaking Pilot Reactor from Hazen Research Inc., Golden, Colorado, at a total estimated cost of $1,435,000 for a three-year term.

Funding is as follows:
Missouri S&T Grant Fund w/funds for the full expense coming from the
DOE contract award MoCode TBD

The motion carried unanimously (9-0) by voice vote with no abstentions.

Governance, Compensation and Human Resources Committee

Curator Williams provided time for discussion of committee business.

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Annual Approval, Board Standing Committee Charters (information on file)

It was recommended by the Governance, Compensation and Human Resources Committee, endorsed by Chair Chatman, moved by Curator Williams and seconded by Curator Graham, that the following action be taken:

that the Board Standing Committee Charters, as reviewed by the Committee Chairs and executive liaisons, be approved as attached, and as amended (and as on file with the minutes of this meeting).

Finance Committee Chair Report

Curator Hoberock provided time for discussion of committee business.

Federal Budget Stabilization Fund Maintenance and Repair Plan, UM – presented by Vice President Rapp (information on file for this information item)

Amendment, Collected Rule and Regulation 140.013, Investment Policy for Endowment Pool, UM – presented by Vice President Rapp (information and slides on file)

It was recommended by Vice President Rapp, endorsed by University of Missouri President Mun Y. Choi, recommended by the Finance Committee, moved by Curator Hoberock and seconded by Curator Steelman, that the:

> Existing investment policy of Collected Rules and Regulations, Section 140.013, be amended, as noted in the attached documents. Further, the asset allocation changes noted in Section 140.013 should occur in a methodical manner over a reasonable period of time as determined by investment staff.

140.013 Investment Policy for Endowment Pool

Bd. Min 7-22-11. Revised in entirety, Bd. Min. 6-26-12. (Note: Board approval on 6-26-12 replaced previous rules 140.010, 140.011, 140.012 and 140.013 with new language and reissued new rules 140.010 through and including 140.016.) Revised Bd. Min 6-14-13; Revised 9-12-13; Revised 6-25-15; Revised 2-4-16; Revised 4-14-16; Revised 6-23-17; Revised Bd. Min. 9-28-17; Amended 2-4-21.

A. **Introduction** -- The University's Endowment Pool contains gifts, bequests and other funds directed to be used to support a University program in perpetuity. Some donors require such a commitment as a condition of their gift ("true endowments"). Also, funds may be assigned to function as endowments by the Board of Curators or by University administration ("quasi endowments").
B. **Responsibilities and Authorities –** See CRR 140.010 "*Policy for Management and Oversight of Selected University Investment Pools*."
C. **Investment Objectives --** The Endowment Pool must be managed to provide ongoing support of endowed programs in perpetuity, in conformance with donor stipulations. To accomplish this, investment returns, net of inflation, should be sufficient over time to cover annual spending distributions while maintaining or growing the underlying purchasing power of each endowed gift.
   Endowment Pool investments should be managed in a manner that maximizes returns while attempting to minimize losses during adverse economic and market events, with an overall appetite for risk governed by

the objectives noted above. This will be accomplished through a more 'risk-balanced' portfolio that seeks meaningful diversification of assets, which necessarily means less equity risk and more long-term bond exposure relative to peers. To offset potentially lower returns from a more risk-balanced portfolio, a key component of this strategy includes a less common, yet prudent, program of return enhancement commonly referred to in the investment industry as portable alpha. These investment objectives seek to prioritize the long-term structural needs of the Endowment Pool over short-term performance comparisons of the investment portfolio relative to peers.

D. **Authorized Investments –** The Endowment Pool shall be invested in externally managed funds, consistent with the guidelines established in CRR 140.011, "*Policy for Investment Manager Selection, Monitoring and Retention*" and CRR 140.017, "*Allowable Investments,*" in the following asset classes:

Asset Class	Economic Environment	Risk Factor(s)	Sub-Class Target	Asset Class Target	Range
Public Equity	*Rising Growth* *Falling Inflation*	*Equity* *Currency*		**35%**	**25%-45%**
Private Equity	*Rising Growth* *Falling Inflation*	*Equity* *Currency* *Liquidity*		**15%**	**10%-20%**
Public Debt *Sovereign Bonds* *Inflation-Linked Bonds* *Opportunistic*	 *Falling Growth* *Falling Inflation* *Falling Growth* *Rising Inflation* *Rising Growth* *Falling Inflation*	 *Interest Rates* *Currency* *Inflation* *Interest Rates* *Currency* *Interest Rates* *Credit spreads*	 *8%* *10%* *0%*	**18%**	**8%-28%**
Private Debt	*Rising Growth* *Falling Inflation*	*Credit Spreads* *Liquidity*		**7%**	**2%-12%**
Diversifiers *Risk Balanced* *Commodities* *Real Estate / Infrastructure* *Opportunistic*	 *Rising Growth* *Falling Growth* *Rising Inflation* *Falling Inflation* *Rising Growth* *Rising Inflation* *Rising Growth* *Rising Inflation* *Rising Growth* *Rising Inflation*	 *Diversified* *Inflation* *Equity* *Credit Spreads* *Inflation* *Liquidity* *Equity* *Interest Rates*	 *12%* *3%* *10%* *0%*	**25%**	**20%-30%**
Total Portfolio				**100%**	

E. **Portfolio Rebalancing**
Asset allocations shall be monitored on an ongoing basis as changes in market behavior may cause variations from the target asset mix. Rebalancing of the portfolio shall be considered at least quarterly,

and more often if necessary to maintain allocations within the allowable range. The need to rebalance shall take into account any logistical issues associated with fully funding a particular asset sector, as well as any tactical decisions to overweight or underweight a particular asset sector based on current market conditions. The University may utilize external managers to rebalance portfolio exposures consistent with targets and allowable ranges established by this policy. In those instances, conventional derivative instruments commonly accepted by other institutional investors, such as futures, swaps, options, forward contracts and reverse repurchase agreements may be utilized.

Actual asset class allocations shall not fall outside of the allowable ranges, with the exception of violations caused solely by periods of extreme market distress, when it may not be possible or advisable to immediately bring such allocations back to within the allowable ranges.

F. **Currency Risk Management**

In the context of a global investment portfolio, currency risk exists to the extent that investments contain exposures to foreign currencies. The desirability of this currency exposure is not necessarily aligned dollar for dollar with the desired exposure to assets denominated in foreign currencies. As such, external managers in any asset class may implement currency strategies to alter the currency exposure of the portfolio when deemed prudent to do so in the context of the particular investment mandate. In addition, the University may utilize external managers to implement currency strategies to alter exposures in an active or passive manner as part of a portfolio or asset class overlay when deemed prudent to do so.

G. **Portable Alpha Program**

Synthetic market exposures across asset classes including equities, sovereign bonds, inflation-linked bonds and commodities may be obtained through derivative instruments commonly accepted by other institutional investors, such as futures, swaps, options, forward contracts and reverse repurchase agreements. These derivative instruments shall be managed by external investment firms with appropriate expertise, experience and depth of resources.

When synthetic market exposures are obtained through derivative instruments, a portion of the resulting cash and cash equivalent balances may be invested by active alpha managers seeking to add returns over the benchmark. These alpha managers will possess broadly diverse strategies/styles and, in the aggregate, are expected to produce returns that show little or no relationship to the economic environment being experienced at any given time. Furthermore, this portfolio of managers will be constructed with a goal of low/no correlation to the synthetic market exposures obtained through the derivative instruments. The risk

drivers with the portable alpha portfolio should generally be well-known, empirically-tested, sources of return that can be systematically harvested through dynamic long/short strategies. They can be thought of either as returns that underlie "classic" hedge fund strategies (hedge fund risk premia), such as arbitrage and macro or the returns from "classic" styles (style premia), such as value, momentum, carry, defensive and low volatility.

Legal account structures will be in the form of one or a combination of separate accounts, institutional commingled funds and/or limited partnerships or other similar forms.

The allowable range of the portable alpha portfolio shall be 0-27% of the total Endowment Pool.

Management of liquidity risk is a critical component of the portable alpha program. If not managed appropriately, there is a risk that synthetic market exposures may need to be unwound at undesirable points in time in order to meet margin calls during volatile markets. To help mitigate this risk, prudent balances of cash and cash equivalents shall be maintained as part of the program and monitored daily.

The following table outlines the minimum cash requirements with associated replenishing guidelines:

	Cash Margin*	Replenishing Guidelines
Target	30%	n/a
Range 1	29.9% to 20%	Develop action plan to replenish to Target within 12 months
Range 2	19.9% to 10%	Develop action plan to replenish to Range 1 within 60 days, with subsequent plan to replenish to Target within 12 months
Range 3	9.9% or less	Take immediate action to replenish to Range 2 as quickly as possible. Follow with plan to replenish to Range 1 within 60 days, and subsequent plan to replenish to Target within 12 months

** Cash Margin is defined as Portable Alpha Program cash and cash equivalents divided by the total of synthetic market exposures outstanding across all asset classes with the program.*

H. **Spending Policy –** To provide ongoing support to endowed programs in perpetuity, the spending policy must be managed in conjunction with investment objectives and other factors in compliance with applicable law, such that the spending rate plus an inflationary assumption shall not exceed expected investment returns over time. At minimum, the spending policy should be reviewed in conjunction with asset/liability studies performed by the Investment Consultant not less than once every three years.

1. The formula used to determine the Endowment Pool spending distribution for each fiscal year shall apply a rate of 4.0% to a base equal to the 28-quarter trailing average of market values as of December 31st of the prior fiscal year. Endowment spending distributions shall be paid on a monthly basis.
   The transition of the rate from 4.5% to 4.0% shall be accomplished in a methodical manner over a period not to exceed the seven years ended June 30, 2024. In no case shall the transition from 4.5% to 4.0% cause the actual spending distribution to decrease from one year to the next during the transition phase.

2. In addition to the spending distribution noted above, the President shall have the discretion to distribute from the Endowment Pool an administrative fee each fiscal year to be used for support of internal endowment administration and development functions. Such administrative fee shall be calculated by applying a rate of up to 1.25% to a base equal to the 28-quarter trailing average of market values as of December 31st of the prior fiscal year. The administrative fee shall be paid on a monthly basis. In addition, internal investment management, accounting and legal expenses may be charged directly to the Endowment Pool.
3. The spending policy, spending distribution formula and administrative fee may be adjusted over time by the Board to respond to general economic conditions and other factors as appropriate and in compliance with applicable law.
4. Implementation of the spending policy is delegated to the Vice President for Finance or her/his designees.

The motion carried (8-0) by voice vote and with one abstention, Curator Layman.

Fiscal Year 2022 Student Housing and Dining Rates, UM – presented by Vice President Rapp (information and slides on file)

It was recommended by the respective Chancellors, endorsed by President Choi, recommended by the Finance Committee, moved by Curator Hoberock and seconded by Curator Layman, that the attached schedule of rates for the Residence Halls and Family Student Housing at MU, UMKC, Missouri S&T, and UMSL (and as on file with the minutes of this meeting) be approved effective beginning with the 2021 Summer Session.

The motion carried unanimously (9-0) by voice vote with no abstentions.

Project Approval, Research Commons – Thermal Plant, MU – presented by Vice President Rapp (information on file)

It was recommended by President Mun Y. Choi, recommended by the Finance Committee, moved by Curator Hoberock and seconded by Curator Graham, that the following action be approved:

the project approval for the Research Commons – Thermal Plant, MU

Funding of the project budget is from:	
MU Energy Management Capital Reserves	$9,000,000
Total	$9,000,000

The motion carried unanimously (9-0) by voice vote with no abstentions.

Project Approval, Student Experience Center, Missouri S&T – presented by Vice President Rapp (information on file)

It was recommended by Chancellor Dehghani, endorsed by President Choi, recommended by the Finance Committee, moved by Curator Hoberock and seconded by Curator Brncic, that the following action be approved:

the project approval for the Student Experience Center, Missouri S&T

Funding of the project budget is from:	
Gifts	$30,000,000
Total Funding	$30,000,000

The motion carried unanimously (9-0) by voice vote with no abstentions.

Architect/Engineer Hire, Indoor Practice Facility, MU – presented by Vice President Rapp (information on file)

It was recommended by President Mun Y. Choi, recommended by the Finance Committee, moved by Curator Hoberock and seconded by Curator Layman, that the following action be approved:

the architect/engineer hire for the Indoor Practice Facility, MU

Funding of the project budget is TBD.

The motion carried unanimously (9-0) by voice vote with no abstentions.

Academic, Student Affairs, Research and Economic Development Committee

Curator Wenneker provided time for discussion of committee business.

New Degree Proposal, Bachelor of Arts in Applied Psychology of Child Advocacy Studies, UMSL – presented by Senior Associate Vice President Graham and Andrew Kersten (information on file)

It was recommended by Sr. Associate Vice President Steve Graham, endorsed by President of the University of Missouri Mun Choi, recommended by the Academic, Student Affairs and Research & Economic Development Committee, moved by Curator Wenneker, seconded by Curator Hoberock, that the following action be approved:

that the University of Missouri – St. Louis be authorized to submit the attached proposal (and as on file with the minutes of this meeting) for a Bachelor of Arts in Applied Psychology of Child Advocacy Studies to the Coordinating Board for Higher Education for approval.

The motion carried unanimously (9-0) by voice vote with no abstentions.

New Degree Proposal, Bachelor of Arts in Public Administration and Policy, MU – presented by Senior Associate Vice President Graham and Lael Keiser (information on file)

It was recommended by Sr. Associate Vice President Steve Graham, endorsed by President of the University of Missouri Mun Choi, recommended by the Academic, Student Affairs and Research & Economic Development Committee, moved by Curator Wenneker, seconded by Curator Graham, that the following action be approved:

> that the University of Missouri – Columbia be authorized to submit the attached proposal (and as on file with the minutes of this meeting) for a Bachelor of Arts in Public Administration and Policy to the Coordinating Board for Higher Education for approval.

The motion carried unanimously (9-0) by voice vote with no abstentions.

New Degree Proposal, Master of Science in Water Science and Engineering, S&T – presented by Senior Associate Vice President Graham and Dick Brow (information on file)

It was recommended by Sr. Associate Vice President Steve Graham, endorsed by President of the University of Missouri Mun Choi, recommended by the Academic, Student Affairs and Research & Economic Development Committee, moved by Curator Wenneker, seconded by Curator Graham, that the following action be approved:

> that the Missouri University of Science & Technology be authorized to submit the attached proposal (and as on file with the minutes of this meeting) for a Master of Science in Water Science and Engineering to the Coordinating Board for Higher Education for approval.

The motion carried unanimously (9-0) by voice vote with no abstentions.

New Degree Proposal, Bachelor of Science in Education, S&T – presented by Senior Associate Vice President Graham and Steve Roberts (information on file)

It was recommended by Sr. Associate Vice President Steve Graham, endorsed by President of the University of Missouri Mun Choi, recommended by the Academic,

Student Affairs and Research & Economic Development Committee, moved by Curator Wenneker, seconded by Curator Graham, that the following action be approved:

> that the Missouri University of Science & Technology be authorized to submit the attached proposal (and as on file with the minutes of this meeting) for a Bachelor of Science in Education to the Coordinating Board for Higher Education for approval.

The motion carried unanimously (9-0) by voice vote with no abstentions.

Audit, Compliance and Ethics Committee

Curator Layman provided time for discussion of committee business.

Audit Compliance and Ethics Quarterly Report, UM – presented by Chief Audit and Compliance Officer Piranio (information and slides on file for this information item)

University of Missouri System Reporting Hotlines Annual Report 2020, UM (written report only) – No discussion.

External Auditor's Report, UM – presented by Rachel Dwiggins with BKD (information and slides on file for this information item)

Engagement of Independent Auditors and Related Fees, UM – presented by Vice President Rapp (information on file)

It was recommended by Vice President Rapp, endorsed by President Choi, moved by Curator Layman, seconded by Curator Graham, that the following action be approved:

> that the Vice President for Finance be authorized to employ the firm of BKD LLP to provide audit services to the University of Missouri for fiscal year ending June 30, 2021 for fees of $622,698.

The motion carried unanimously (9-0) by voice vote with no abstentions.

The Audit, Compliance and Ethics Committee had one additional action item to convene in an executive session later in the day.

Health Affairs Committee Chair Report

Curator Steelman provided an overview of committee business.

Executive Vice Chancellor Report – presented by Richard Barohn, MD (slides on file for this information item)

School of Medicine Report – (slides on file for this information item)

MU Health Care Report – (slides on file for this information item)

Chief Quality Officer Report – (slides on file for this information item)

Quarterly Financial Report, MU Health – Written Report Only

No discussion.

Quarterly Compliance Report, MU Health – Written Report Only

No discussion.

The minutes for the November 12, 2020 Health Affairs Committee meeting were approved at the January 28, 2021 committee meeting.

General Business

University of Missouri – Columbia Campus Highlights – presented by President Choi and Provost Ramchand (slides on file for this information only item)

Strategic Theme Discussion – Advancing Research – President Choi, Senior Associate Vice President Steve Graham and MU, UMKC, UMSL and Missouri S&T Provosts and Vice Chancellors for Research (slides on file)

A presentation and discussion were held centered around the following objectives:

- Centrality of research and scholarship for research universities
- Metrics for national benchmark comparisons
- Trends in research performance for UM universities
- High expectations for faculty performance
- University highlights and strategies to achieve excellence

At the conclusion of the discussion, the Board and leadership reconfirmed investments in the excellence of research as a priority.

Good and Welfare of the Board

Draft April 22, 2021 Board of Curators meeting agenda – no discussion (on file)

Resolution for Executive Session of the Board of Curators Meeting, February 4, 2021

It was moved by Curator Williams and seconded by Curator Wenneker, that there shall be an executive session with a closed record and closed vote of the Board of Curators meeting February 4, 2021 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; and
- **Section 610.021 (14), RSMo,** relating to matters identified in that provision, which include records which are protected from disclosure by law.

Roll call vote of the Board:

Curator Brncic voted yes.
Curator Chatman voted yes.
Curator Graham voted yes.
Curator Hoberock voted yes.
Curator Layman voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.

Curator Wenneker voted yes.
Curator Williams voted yes.

The motion carried.

The public session of the Board of Curators meeting recessed at 2:17 P.M. on February 4, 2021.

Board of Curators Meeting – Executive Session

A meeting of the University of Missouri Board of Curators was convened in executive session at 3:00 P.M., on Thursday, February 4, 2021, via Zoom video and at remote locations via conference telephone, pursuant to public notice given of said meeting. Curator Darryl M. Chatman, Chair of the Board of Curators, presided over the meeting.

Present
The Honorable Julia G. Brncic
The Honorable Darryl M. Chatman
The Honorable Maurice B. Graham
The Honorable Greg E. Hoberock
The Honorable Jeffrey L. Layman
The Honorable Phillip H. Snowden
The Honorable David L. Steelman
The Honorable Robin R. Wenneker
The Honorable Michael A. Williams

Also Present
Dr. Mun Y. Choi, President, University of Missouri
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Mr. Remington Williams, Student Representative to the Board of Curators
Ms. Kamrhan Farwell, Chief Marketing and Communications Officer
Ms. Marsha Fischer, Vice President for Human Resources and Chief Human Resources Officer
Ms. Christine Holt, Chief of Staff, UM System
Mr. Ryan D. Rapp, Vice President for Finance and Chief Financial Officer

Rachel Dwiggins and Fred Helfrich with BKD joined the meeting.

President Choi, General Counsel Owens, Ms. Farwell, Ms. Fischer, Ms. Holt and Mr. Rapp excused themselves from the meeting.

Audit, Compliance and Ethics Committee Meeting – Executive Session

Annual Meeting Without Management and Performance Review of Independent Auditors

No action taken by the Board.

Members of BKD excused themselves from the meeting.

President Choi, General Counsel Owens, Ms. Farwell, Ms. Fischer, Ms. Holt, and Mr. Rapp rejoined the meeting.

General Business

Consent Agenda – Executive Session

It was endorsed by University of Missouri President Mun Y. Choi, moved by Curator Graham and seconded by Curator Steelman, that the following items be approved by consent agenda:

Action

1. [320]Property Purchase, Missouri, S&T – this item is closed and may be made public when completed.

2. V.A. Samaranayake, Curators' Distinguished Teaching Professor Emeritus, S&T

   that upon the recommendation of Chancellor Mohammad Dehghani, the Interim Provost, and the Senior Associate Vice President for Academic Affairs, it is recommended that Professor V.A. Samaranayake be named to the position University of Missouri Curators' Distinguished Teaching Professor Emeritus, effective 09/01/2021.

3. Michael Schulz, Curators' Distinguished Professor Emeritus, S&T

   that upon the recommendation of Chancellor Mohammad Dehghani, the Interim Provost, and the Senior Associate Vice President for Academic Affairs, it is recommended that Professor Michael Schulz be named to the position University of Missouri Curators' Distinguished Professor Emeritus, effective 09/01/2021.

4. Larson Powell, Curators' Distinguished Professor, UMKC

that upon the recommendation of Chancellor C. Mauli Agrawal, the Provost, and the Senior Associate Vice President for Academic Affairs, it is recommended that Professor Larson Powell be named to the position University of Missouri Curators' Distinguished Professor, effective 09/01/2021. Professor Larson Powell will receive a $10,000 annual stipend as long as the position title is held. $5,000 will go to increased compensation (salary and benefits less applicable taxes) with the remaining $5,000 available for professional expenses associated with 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.

5. James Drallmeier, Curators' Distinguished Teaching Professor Emeritus, S&T

that upon the recommendation of Chancellor Mohammad Dehghani, the Interim Provost, and the Senior Associate Vice President for Academic Affairs, it is recommended that Professor James Drallmeier be named to the position University of Missouri Curators' Distinguished Teaching Professor Emeritus, effective 09/01/2021.

6. David Riggins, Curators' Distinguished Teaching Professor Emeritus, S&T

that upon the recommendation of Chancellor Mohammad Dehghani, the Interim Provost, and the Senior Associate Vice President for Academic Affairs, it is recommended that Professor David W. Riggins be named to the position University of Missouri Curators' Distinguished Teaching Professor Emeritus, effective 09/01/2021.

Roll call vote of the Board:

Curator Brncic was absent for vote.
Curator Chatman voted yes.
Curator Graham voted yes.
Curator Hoberock voted yes.
Curator Layman was absent for vote.
Curator Snowden voted yes.
Curator Steelman voted yes.

Curator Wenneker voted yes.
Curator Williams voted yes.

The motion carried.

President's Report on personnel and contract matters – presented by President Choi

No action taken by the Board.

General Counsel's Report – presented by General Counsel Owens

No action taken by the Board.

Curator's Report

No action taken by the Board.

Adjourn, Board of Curators Meeting and Committee Meetings, February 4, 2021

It was moved by Curator Steelman and seconded by Curator Wenneker that the Board of Curators meeting and committee meetings, February 4, 2021, be adjourned.

Roll call vote of the Board:

Curator Brncic voted yes.
Curator Chatman voted yes.
Curator Graham voted yes.
Curator Hoberock voted yes.
Curator Layman voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Wenneker voted yes.
Curator Williams voted yes.

The motion carried.

There being no other business to come before the Board of Curators, the meeting was adjourned at 5:55 P.M. on Thursday, February 4, 2021.

Respectfully submitted,

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

Approved by the Board of Curators on April 22, 2021