

University of Missouri Equity Resolution Processes

Collected Rules and Regulations
600.030
600.040
600.050



Incident Reports

- Any person who may have witnessed or experienced a potential policy violation under the University's anti-discrimination policies can file a report.
- University employees (unless exempted) are **mandated reporters** and required to report.
- Reports can be filed (1) on-line, (2) in person, (3) by email, (4) by phone, or (5) other written means that is delivered to the University.



Preliminary Contact & Inquiry

- Upon receipt of a report, the Equity / Title IX office will reach out to the Complainant(s), if known, to:
 - offer **supportive measures**,
 - explain the process to file a (Formal) Complaint,
 - gather information regarding the concerning behavior for initial assessment and verify Respondent(s) identity.
- *If the identity of the Complainant(s) is unknown, a limited investigation can be conducted to identify the Complainant(s).*



Supportive Measures & Other Interim Actions

- Supportive Measures are non-disciplinary and non-punitive offered to both Parties to:
 - restore/preserve access to University services while deterring future policy violations, and
 - protect safety of Parties and campus activities/programs.
- Emergency removals for students
- Interim suspension of student organizations
- Administrative leave for employees (with or without pay)



The Complaint & Investigation

- A (Formal) Complaint is a written document filed by the Complainant alleging discrimination or harassment and requesting the University investigate.
 - The Equity Officer or Title IX Coordinator may file a Complaint in specific circumstances.
- Notice of Allegations is issued to both Parties
- Investigative plan is developed, and the formal investigation is launched by a trained equity investigator.



The Investigation

- Burden of proof is on the University to reach a determination
- Evidence is gathered
 - Parties are interviewed and recorded
 - Witnesses are interviewed and recorded
 - Physical and electronic evidence is gathered
- Analysis of information & investigative report is generated
- Dismissal/summary determination review is continuous during the investigative period.



Dismissal & Summary Determination

Title IX cases

- Mandatory Dismissal:
 - Conduct does not constitute sexual harassment, even if proved
 - Conduct did not occur in University's education program or activity
 - Conduct did not occur against a person in US
- Permissive Dismissal:
 - Complainant requests withdraw of Formal Complaint or any allegations
 - Respondent no longer enrolled/employed
 - Specific circumstances prevent University from gathering sufficient evidence to reach determination
- Either Party can **appeal** this decision



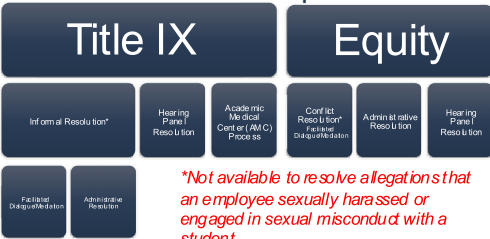
Dismissal & Summary Determination

Equity cases

- Review of evidence to determine if there is sufficient basis to proceed. If so, the process continues.
- If not, process ends; Parties provided notice.
- Parties can request reconsideration of the determination.
- If reconsideration is requested, Equity Resolution Appellate Officer will review for sufficient basis to proceed.
- Equity Resolution Appellate Officer's decision is final.



Resolution Options



Conflict / Informal Resolution Facilitated Dialogue/Mediation

- Parties must voluntarily agree to use this process in writing
- Available at any time during the process
- Can withdrawal at any time & resolve with other available processes
- Neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible – includes mediation.
- Never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student



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Academic Medical Center Process (Title IX cases only)

- Used to resolve Formal Complaints that arise from a University of Missouri Hospital and Clinic or other designated facility
- Process similar to administrative resolution
- Single decision-maker



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Administrative Resolution

- Single or joint decision-maker
- Both Parties must elect to use this process
- Decision-maker can meet with Parties
- Parties may provide questions for decision-maker to ask the other Party
- Decision-maker will render a decision on responsibility and a decision or recommendation on sanction(s)
- Either Party may appeal



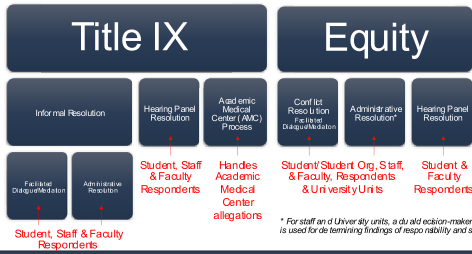
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Hearing Panel Resolution

- 3-person panel (majority vote)
- Both Equity and Title IX hearings will be chaired by a Hearing Officer
- Live hearing with testimony and opportunity for questions to be asked of Parties, witnesses, and investigators
- Hearing-panel will render a decision on responsibility and a decision or recommendation on sanction(s)
- Either Party may appeal



Who is Entitled to What Process



Appeals

- Either Party may appeal to the Equity Resolution Appellate Officer (ERAO) within 5 days of published determination
 - For faculty respondents the ERAO shall be the Chancellor or designee
 - System staff or University Unit respondents, the President or designee
 - All other respondents the ERAO shall be a Chancellor appointed senior-level administrator
- Decision of Equity Resolution Appellate Officer is final



Appeals

- Grounds for Appeal:
 1. Procedural irregularity that affected outcome
 2. To consider new evidence that was not reasonably available previously and could affect the outcome
 3. Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias against a Party specifically or generally against Complainants or Respondents
 4. Sanctions fell outside the range typically imposed for the offense or for the cumulative record of the Respondent
- Either Party may request to appeal to Equity Resolution Appellate Officer within 5 days of receiving decision
- Decision of Equity Resolution Appellate Officer is final

