

HR

Procedure

University of Central Missouri Procedure

Procedure Name: UCM's Discrimination, Harassment, Sexual Misconduct, & Retaliation Grievance Process	Date Approved: Revised and approved by the President on August 1, 2024.
Procedure Category: Procedure	Date Effective: August 1, 2024
Policy Authority: Board of Governors Policy 1.2.150 (/consumer-information/nondiscrimination-and-equal-opportunity-statement/index.php)	Date Last Revised: January 2025
Approval Authority: University President	Review Cycle: 5 years
Responsible Department: Equity Administrator / Title IX Coordinator	

The following is the Discrimination, Harassment, Sexual Misconduct, & Retaliation Grievance Process required by Board of Governors Policy 1.2.150 [Nondiscrimination and Equal Opportunity Statement \(/consumer-information/nondiscrimination-and-equal-opportunity-statement/index.php\)](#). These procedures apply to faculty, staff, students, and third parties.

Purpose

The University treats all disclosures and reports of discrimination, harassment, sexual misconduct, and retaliation with great care and discretion. UCM provides support for members of the University community who have experienced discrimination, harassment, sexual misconduct, or retaliation while also providing an equitable resolution process. A formal complaint does not need to be filed to seek assistance or supportive measures. Please contact the Equity Administrator / Title IX Coordinator or designee with questions.

The University does not tolerate unlawful discrimination, harassment, sexual misconduct, or retaliation in any education program or activity that it operates, including in admission and employment.

The University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Equity Administrator / Title IX Coordinator, alleging any action that would be prohibited by the University's Board of Governors Policy 1.2.150 [Nondiscrimination and Equal Opportunity Statement \(/consumer-information/nondiscrimination-and-equal-opportunity-statement/index.php\)](/consumer-information/nondiscrimination-and-equal-opportunity-statement/index.php).

Contacts

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ADA/504 Coordinator:

Name: Cathy Seeley, Director of Accessibility Services

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Email: cseeley@ucmo.edu

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Human Resources:

Name: Dr. Cory Wicker, Associate Vice President for Human Resources

Office: Human Resources, Administration 101

Email: cwicker@ucmo.edu

Phone: [660-543-4255](tel:660-543-4255)

Office of Civil Rights, Kansas City Office:

Office for Civil Rights U.S. Department of Education

One Petticoat Lane

1010 Walnut Street, 3rd floor, Suite 320

Kansas City, MO 64106

Telephone: [816-268-0550](tel:816-268-0550)

FAX: [816-268-0599](tel:816-268-0599); TDD: [800-877-8339](tel:800-877-8339)

Email: OCR.KansasCity@ed.gov (<mailto:OCR.KansasCity@ed.gov?subject=>)

Prohibited Conduct

“Discrimination” is unfair treatment based on a legally protected demographic including: age, race, color, religion, sex, sexual orientation, gender identity or expression, sex stereotypes, sex characteristics, marital status, pregnancy or parental status, national origin, veteran status, genetic information, disability, and all other legally protected characteristics in matters of admissions, employment, education, or in the programs or activities of the University.

Examples of discrimination can include refusing to hire or promote someone because of their race; denying someone a raise or employment benefit because of their gender; reducing someone’s job responsibilities because of their marital status; denying someone access to an educational program based on their gender identity; or denying someone access to a University facility based on their religion.

“Harassment” is verbal or physical conduct, or conduct using technology, directed toward someone because of their membership in a protected class (or a perception that someone is a member of a protected class) that is so severe or pervasive that it has the purpose or effect of unreasonably interfering with the individual’s access to education or work, or creating an intimidating, hostile or offensive working environment or academic experience.

An individual’s subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective such that it unreasonably interferes with, limits, or deprives a member of the University community of the ability to participate in or to receive benefits, services, or opportunities from the University’s education or employment programs and/or activities. Harassment not based on protected characteristics is not covered by these procedures and will be referred to the appropriate human resources, academic affairs, or student conduct processes.

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the university, a student, or an employee or other person authorized by the university to provide aid, benefit, or service under the university’s education program or activity, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and if applicable, in any other actions taken by the university. Nothing in this definition precludes the university from requiring an employee to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing. Requiring employee participation is not retaliation.

“Sexual Misconduct” includes conduct that can be classified as sexual harassment, sexual violence, and other conduct of a sexual nature, or based on sex as defined in this policy. Sexual misconduct encompasses a range of conduct, from sexual assault (a criminal act that the U.S. Department of Education defines as a form of sexual harassment) to conduct such as unwanted touching or persistent unwelcome comments, e-mails, or pictures of an insulting or degrading sexual nature, which may constitute unlawful harassment, depending upon the specific circumstances and context in which the conduct occurs. For example, sexual advances, requests for sexual favors, or sexually-directed remarks or behavior constitute sex-based harassment when (1) submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic or employment decision, or a term or condition of either; or (2) such conduct directed against an individual persists despite its rejection to the point it constitutes harassment as defined above.

In compliance with the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Clery Act, the University uses the State of Missouri’s Criminal Code’s definitions of sexual assault and sexual abuse. The University incorporates the State’s definitions of several other important terms, including domestic violence, dating violence, and stalking, and recognizes that sexual assault, domestic violence, dating violence, and stalking can happen to anyone.

General Definitions

“Admission” means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by the university.

“Business Days” Business Days are those days on which university offices are officially open for business and classes are in session.

“Campus Security Authority (CSA)” The Clery Act (34 CFR 668.46) defines a CSA as:

- I. A campus police department or a campus security department of an institution.
- II. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- III. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- IV. An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

Pastoral and professional counselors are not considered a Campus Security Authority when acting in their roles as a pastoral or professional counselor.

“Complainant” means:

- In regards to sexual misconduct:
 - A Complainant is an individual who is alleged to be the victim of prohibited sexual misconduct as defined under this policy; and
 - Must be participating in or attempting to participate in the institution's education or activity of the school with which the

complaint is filed.

- For all other forms of misconduct covered under this policy a complainant means:
 - A student or employee who is alleged to have been subjected to conduct that could constitute unlawful discrimination or harrasment; or
 - a person other than a student or employee who is alleged to have been subjected to conduct that could constitute unlawful discrimination and who was participating or attempting to participate in the university's education program or activity at the time of the alleged discrimination.
 - a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant in regards to filing a complaint.

“Complaint” means a written and signed request to the university that objectively can be understood as a request for the university to investigate and make a determination about alleged discrimination, harassment, sexual misconduct, or retaliation.

“Confidential Employee” means an employee of a university whose communications are privileged or confidential under Federal or State law.

- The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.
- An employee of a university whom the university has designated as confidential under this policy, for the purpose of providing services to persons related to discrimination, harassment or sexual misconduct, or retaliation.
- A confidential employee must still explain how to contact the Equity Administrator / Title IX Coordinator, how to make a complaint, and how the Equity Administrator / Title IX Coordinator may be able to offer and coordinate supportive measures as well as options for complaint resolution.
- If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to

information received about sexual misconduct in connection with providing those services.

- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

“Disciplinary Sanctions” means consequences imposed on a respondent following a formal determination under this policy that the respondent violated the university’s prohibition on unlawful discrimination, harassment and/or sexual misconduct, or retaliation.

“Employee” means any individual hired directly by the University of Central Missouri to perform work at the direction of the University, whether hired part-time or full-time, at will or contractual, temporary or budgeted, and whether staff, faculty, or administrator.

“Equity Administrator(s)” The individual designated by the university to respond to allegations of discrimination or harassment based on a protected class(es) against members of the university community. In some circumstances, this can include the Equity Administrator’s designee. Members of the university community may contact the University or campus Equity Administrator regarding the applicable policy and processes.

“Hostile Environment Harassment” is defined as unwelcome conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from an institution’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry.

“Informal Resolution” may include, but is not limited to, mediation, voluntary written agreements, voluntary no contact orders, and other voluntary agreed upon boundaries and expectations. Informal resolution may be pursued only after a complaint is received and, after being informed of their options, both parties mutually and voluntarily agree to an informal resolution. Agreement to engage in informal resolution may be withdrawn any time prior to agreeing to a resolution.

“Investigator” The person designated by the Title IX Coordinator and/or Equity Administrator responsible for gathering facts and data related to the case.

“Mandated Reporter” Any employee of the University, except as noted below*, who has actual knowledge of discrimination, harassment, sexual misconduct or retaliation. A mandated reporter must provide information regardless of whether the behavior is by a student, employee, volunteer or visitor of the University.

A mandated reporter is one who either has authority to institute corrective measures on behalf of the university, or has responsibility for administrative leadership, teaching, or advising in the university’s programs or activities.

*Does not apply to temporary employees or student employees. This policy does not apply to an employee who may be a complainant (i.e. not required to self-report), or Confidential Employees as defined by this policy.

- Applies to acting in the official capacity of employment when disclosure was made.
- After information is submitted by a mandated reporter, a mandated reporter will not be contacted further, or updated, by the University, unless otherwise deemed necessary by the University.
- A mandated reporter should not investigate. Only report the information.
- If the situation is an emergency or requires an immediate response, please contact the appropriate authorities before submitting a report.
- A mandated reporter is required to report themselves, and not rely on anyone else to do so, even if other mandated reporters are also present.
- A mandated reporter may not remain anonymous or confidential.
- Failure to Report: As a mandated reporter, it is a violation of this policy to fail to report matters of discrimination, harassment, sexual misconduct or retaliation, no matter the circumstances. Failure to report may result in disciplinary action, up to or including termination.

“Party” means a complainant or respondent.

“Pregnancy or related conditions” means:

- Pregnancy, childbirth, termination of pregnancy, or lactation.
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation.
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Program or activity” means any operation of the university, including: (1) locations, events, or circumstances where the university exercised substantial control over both the Respondent and the context in which the unlawful harassment occurs; and (2) any building owned or controlled by the university or a student organization officially recognized by the university.

“Recipient” means the institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another university and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof. For purposes of this policy, “recipient” means the University of Central Missouri.

“Relevant” means related to the allegations of discrimination, harassment or sexual misconduct under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the allegations occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged unlawful discrimination, harassment or sexual misconduct occurred.

“Remedies” means measures provided, as appropriate, to a complainant or any other person the university identifies as having had their equal access to the university’s education program or activity limited or denied by discrimination, harassment, sexual misconduct or retaliation, to restore or preserve that person’s access to the university’s education program or activity.

“Respondent” is an individual who has been reported to be a perpetrator of conduct that could be sexual misconduct or is alleged to have violated the university’s prohibition on discrimination, harassment, or retaliation.

“Student” is a person who has gained admission to the University of Central Missouri.

“University” means the University of Central Missouri.

Sexual Misconduct Definitions

“Consent” is permission and willingness to engage in sexual activity, must be knowing and voluntary, and is a continuous and voluntary agreement to engage in the sexual activity. Consent, lack of consent, and withdrawal of consent can be given by word or action, at any time. Consent to one form of

sexual activity cannot be automatically taken as consent to any other form of sexual activity. Further, consent to engage in sexual activity with one person or in one instance does not imply consent to engage in sexual activity with another person or at another time. Silence or lack of resistance does not equate to consent. Someone who is incapacitated cannot give consent, and consent does not exist when the respondent knew or should have known of the other individual's incapacitation. Consent cannot be given by someone who has not met the legal age of consent or someone who does not have knowledge of the nature of the act or the ability to make a reasonable judgment concerning the nature of the act. Coercion, force, or intimidation, or the threat of any of these, invalidates consent.

“Dating violence” means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the persons involved in the relationship.

“Domestic violence” means felony or misdemeanor crimes committed:

- A current or former spouse or intimate partner of the victim; A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred: or
- Any other person who commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
 - Missouri defines "Domestic violence" as abuse or stalking committed by a family or household member, as such terms are defined in this section
 - Missouri defines "Family" or "household member" as spouses,

former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.

Note: Roommate conflicts will be addressed through University Housing unless they are matters of domestic violence and intimate partner or familial relationships.

"Incapacitation" is a state where someone cannot make rational, purposeful decisions because they lack the capacity to give knowing consent (e.g., they lack the ability to understand "who, what, when, where, why, or how"; of their sexual interaction). This definition also covers a person whose incapacity results from mental disability, sleep, illness, involuntary physical restraint, or from the effect of drugs. Relevant factors may include, but are not limited to, the following: lack of awareness of circumstances or surroundings, inability to communicate coherently, lack of control over physical movements. The use of alcohol and other drugs never makes someone at fault for being sexually assaulted. The use of alcohol or other drugs will not function as a defense to a violation of the sexual misconduct policy.

"Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. Quid pro quo harassment. An employee of the university conditions the provision or denial of an aid, benefit, or service of the university on an individual's participation in sexual conduct;
2. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively denies a person equal access to the university's education program or activity; or
3. Specific offenses (Clery Crimes).
 1. Sexual Assault
 2. Dating Violence
 3. Domestic Violence
 4. Stalking

"Sexual Assault" means an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting system (UCR) of the Federal Bureau of Investigation. Sex offenses are defined as any sexual act directed

against another person, without the consent of the victim, Sexual Assault can include:

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object without the consent of the victim. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
 - Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, (e.g., a finger, bottle, weapon)
- Fondling (non-consensual sexual contact): The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her

temporary or permanent mental or physical incapacity.

- Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.

Sexual assault also includes, but not limited to:

- Knowingly causing another person to engage in a sexual act by using force against that other person or by threatening or placing that other person in fear.
- Engaging in a sexual act with another person after knowingly rendering that person unconscious.
- Administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control sexual conduct.
- Knowingly engaging in a sexual act with another person if that other person is incapable of appraising the nature of the conduct or is physically incapable of declining participation in or communicating unwillingness to engage in that sexual act.
- Knowingly engaging in sexual contact with another person without the other person's permission (consent).
- The federal statute proscribes any attempts to commit any of these acts.

“Sexual exploitation” is the abuse of a person's vulnerability, power, or trust for sexual purposes. Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited, and this behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:

- Invasion of sexual privacy;
- Prostituting another person;
- Taping or recording of sexual activity;

- Going beyond the boundaries of consent to sexual activity (e.g., letting your friends hide to watch you engaging in sexual activity); Engaging in voyeurism;
- Knowingly transmitting an STI, STD, venereal disease, or HIV to another person;
- Inducing another to expose their genitals;
- Distribution of intimate images;
- Pornography;
- Use or distribution of drugs or alcohol with intent to facilitate sexual contact without consent (i.e., predatory drugs or alcohol);
- Extortion/Blackmail

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.
 - Missouri defines “Emotional Distress” as something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like, which are commonly experienced in day-to-day living.

“Title IX” means Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended.

“Title IX Coordinator(s)”: The individual designated by the university to respond to allegations of sexual misconduct involving members of the university community. This also includes Deputy Title IX Coordinators, and in some circumstances, this can include a designee. Members of the University community may contact the Title IX Coordinator or Deputy Coordinator(s) regarding the applicable policy and processes.

Seeking Assistance and Supportive Measures

The University of Central Missouri (UCM) will offer and coordinate supportive measures as appropriate for students and employees utilizing the University's grievance procedures while providing an equitable resolution process.

A complaint does not need to be filed to seek assistance or supportive measures. Supportive measures are individualized, offered as appropriate and reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to:

- Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or
- Provide support during the University's formal grievance procedures or during the informal resolution process

If a student or a University employee experiences sexual misconduct, sexual harassment, or any form of sex discrimination, including discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity, they are urged to seek immediate assistance from any of the following resources and to submit a complaint to the University's Title IX Coordinator.

These measures are available before or after filing a formal complaint or where no formal complaint has been filed.

Supportive measures will not automatically be implemented upon filing or receipt of a complaint, but on an individualized basis, may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

[UCM Supportive Measures \(/offices/general-counsel/university-policy-library/procedures/discrimination-harassment-and-sexual-misconduct-grievance-process/ucm-supportive-measures-2024-2025.pdf\)](#)

Appeal for Alternate Support Services / Supportive Measures

An appeal regarding supportive measures is a formal request made by an individual (either the complainant or the respondent) involved in a complaint of Discrimination, Harassment, Sexual Misconduct or Retaliation. This appeal can be made when an individual believes that the supportive measures provided are insufficient, inappropriate, or have been unfairly denied, modified, or terminated. This process ensures that all individuals involved in a grievance process have the opportunity to have their concerns addressed and to seek a fair and equitable resolution.

Appeal link:

[https://cm.maxient.com/reportingform.php?
UnivofCentralMissouri&layout_id=21](https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=21)
([https://cm.maxient.com/reportingform.php?
UnivofCentralMissouri&layout_id=21](https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=21))

Possible Outcomes:

- Modification of Supportive Measures: The Appellate Officer may modify the supportive measures to better meet the individual's needs without unreasonably burdening the other party.
- Continuation or Termination: Based on the appeal's findings, the supportive measures may be continued, modified, or terminated.

How to Make a Report of Discrimination, Harassment, Sexual Misconduct or Retaliation

Any person may make a report of discrimination, harassment, sexual misconduct or retaliation. Individuals may make a complaint of discrimination, harassment, sexual misconduct, or retaliation to the Equity Administrator / Title IX Coordinator.

Reports can be made in person, by mail, telephone, or by email using the contact information listed below. Additionally, reports can be made using an incident or mandated reporter form.

Equity Administrator / Title IX Coordinator:

Name: Dr. Corey Bowman, Associate Vice President for Student Services

Office: Administration 214

Email: bowman@ucmo.edu

Phone: [660-543-4114](tel:660-543-4114)

Although UCM encourages complainants to talk to someone, we have also developed an online tool for reporting discrimination, harassment, sexual misconduct or retaliation.

A Mandated Reporter is required to promptly report the information to the Equity Administrator / Title IX Coordinator. The Mandated Report must be made regardless of whether the person reporting the information to the Mandated Reporter requests confidentiality and regardless of how the Mandated Reporter becomes aware of the offensive behavior (personal observation, direct information from the subject of the behavior, indirect information from a third party, etc.).

If the Complainant requests confidentiality or that the report not be pursued, the Mandated Reporter should advise the Complainant that, at this stage in the process, the Mandated Reporter must report all known information to the Equity Administrator / Title IX Coordinator. Mandated Reporters must report all details that they possess. This includes names of the parties, if known, and all other information in the Mandated Reporter's possession.

Complainants and non-mandated reporters are not required to share personally identifying information on the form below, but if a reporter chooses to provide those details, this may serve as notice to the University for the purpose of triggering an investigation.

- Incident Report Form <https://publicdocs.maxient.com/incidentreport.php?UnivofCentralMissouri> (<https://publicdocs.maxient.com/incidentreport.php?UnivofCentralMissouri>)
- Mandatory Reporter Form - https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=4 (https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=4)

The University is limited in its ability to act on anonymous reports. The investigation of anonymous reports by confidential sources may be restricted to documenting when, where, and under what circumstances the reported discrimination, harassment, sexual misconduct or retaliation occurred for inclusion in the University's Annual Safety Report.

Upon receipt of a report, the Equity Administrator / Title IX Coordinator (or designee) will respond promptly in a non-deliberately indifferent manner. Upon receipt of a report, the Equity Administrator / Title IX Coordinator or designee will:

- promptly contact the complainant to discuss the availability of supportive measures,
- 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.

Amnesty

The University is committed to the safety and welfare of our University community members and seeks to facilitate access and remove barriers to those reporting and to those participating in the discrimination, harassment, sexual misconduct and retaliation grievance process. Sometimes persons are reluctant to report instances of discrimination, harassment, sexual misconduct or retaliation or may be reluctant to participate in a process because they fear being charged with policy violations, such as underage alcohol consumption or drug usage.

To encourage reporting and facilitate access to supportive measures, individuals with an incident of discrimination, harassment, sexual misconduct or retaliation investigations will not be charged with alcohol, drug and most other policy violations under the student code of conduct related to their efforts to seek medical assistance or provide information about the alleged conduct. They may, however, be asked to discuss these choices in an educational context and supportive measures can be offered. This may not apply to university employees.

Honestly and Cooperation

All members of the University community are expected to be honest and straightforward in their dealings with University processes, policies, activities, and personnel. Dishonesty or being disruptive to this grievance process (whether by a complainant, respondent, witness, advisor, or other participant)

is grounds for disciplinary action. Choosing to not provide a statement or answer questions is not considered dishonesty or disruptive behavior under this procedure, but parties, witnesses, and other participants are asked to keep the Equity Administrator / Title IX Coordinator, investigator, and/or hearing officer informed of their willingness to participate in the various aspects of this process. However, UCM Employees may be compelled to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

Complaint

After a report is filed, a complainant may wish to proceed with a formal complaint against a respondent or the university may independently choose to proceed with a complaint against the respondent. Filing a complaint of discrimination, harassment, sexual misconduct or retaliation is a formal process. To initiate this grievance process, a complainant must prepare and sign a formal complaint submitted to the Equity Administrator / Title IX Coordinator or designee.

So that the University has sufficient information, the complainant should complete a formal complaint form which will require disclosure of: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

In cases where the complainant is unwilling or unavailable to file a complaint, is not participating or attempting to participate in a program or activity, or otherwise does not meet the legal requirements of filing a complaint, the Equity Administrator / Title IX Coordinator may sign a complaint on behalf of the complainant.

- The Equity Administrator / Title IX Coordinator or designee will take into account the wishes of a complainant and only initiates a grievance process against the complainant's wishes if doing so is deemed required by law or needed to protect the University community.
- The Equity Administrator / Title IX Coordinator or designee will document their reasons why each response to allegations of discrimination, harassment, sexual misconduct, or retaliation was not deliberately indifferent

The Equity Administrator / Title IX Coordinator or designee will consider a range of factors, including any potential risk that the respondent will commit additional acts of discrimination, harassment, sexual misconduct or retaliation, such as:

- Whether there have been or may be other discrimination, harassment, sexual misconduct, or retaliation complaints about the same respondent;
- Whether the respondent has a history of arrests or records from a prior school indicating a history of violence, if available;
- Whether the respondent threatened further discrimination, harassment, sexual misconduct, or retaliation against the complainant or others;
- Whether the discrimination, harassment, sexual misconduct, or retaliation was committed by multiple respondents;
- Whether the discrimination, harassment, sexual misconduct, or retaliation was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the University possesses other means to obtain relevant evidence of discrimination, harassment, sexual misconduct, or retaliation (e.g., security cameras or personnel, physical evidence);
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

When weighing the decision to initiate a complaint without permission from the complainant, the Equity Administrator / Title IX Coordinator may consult with UCM's Threat Assessment Team or other confidential advisors. This does not constitute a violation of confidentiality for any involved parties.

The University will initiate a grievance process upon receipt of a written complaint, or an Equity Administrator / Title IX Coordinator or designee initiates a grievance process. The only University official who is authorized to initiate a grievance process against a respondent is the Equity Administrator / Title IX Coordinator or their designee by signing a complaint.

In the absence of a complaint by either the complainant(s) or the Equity Administrator / Title IX Coordinator or designee, the University will not pursue disciplinary action or informal resolution under the discrimination, harassment, sexual misconduct, or retaliation policy, but may proceed under other policies, if appropriate.

The University will take reasonable steps to keep confidential the identity of any individual who has made a report or complaint of discrimination, harassment, sexual misconduct, or retaliation, including any individual who has made a report or filed a complaint, any complainant, any individual who has been reported to be the perpetrator of discrimination, harassment, sexual misconduct or retaliation, any respondent, and any witness, except as may be permitted by, or as required by, law, including the provision of supportive measures and the conduct of any investigation or hearing.

The University may consolidate complaints as to allegations of discrimination, harassment, sexual misconduct, or retaliation, 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, harassment or retaliation, arise out of the same facts or circumstances.

Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

Grievance Process

The University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Equity Administrator / Title IX Coordinator, alleging any action that would be prohibited by this policy.

Respondents are presumed not responsible for the behavior unless responsibility is established through the grievance process.

UCM’s discrimination, harassment, sexual misconduct and retaliation grievance process can include an investigative process. An informal resolution process is also available for most complaints on a case by case basis in consideration of the circumstances. In circumstances where an employee of the institution has been accused of sexual misconduct against a student, informal resolutions are prohibited.

Due Process and Fundamental Fairness

UCM will respond promptly to discrimination, harassment, sexual misconduct, or retaliation under this policy in a manner that is not deliberately indifferent, which means that UCM's response is not clearly unreasonable in light of the known circumstances. The University cannot guarantee that discrimination, harassment, sexual misconduct, retaliation or other conduct prohibited by this policy will never occur in education programs or activities, but the University will respond to alleged misconduct in ways designed to ensure complainants and respondents equal access to education programs and activities without depriving any party of educational access without due process or fundamental fairness.

In implementing this policy, UCM will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

Notice of Allegations or Report

In all cases, the grievance process begins with the filing of a complaint. The University will provide a written notice to the parties. The notice will inform the parties of the University's grievance process and informal resolution process. Notice may be delayed due to safety concerns or law enforcement activity.

Emergency Removal. An emergency removal may be necessary if the university determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal. If a removal is determined necessary on an emergency basis, the university will have determined so through an individualized safety and risk analysis. The university will provide the respondent with notice of the emergency removal and an opportunity to appeal the decision immediately following the removal.

Administrative Leave. An employee respondent may be placed on administrative leave from employment responsibilities during the pendency of the recipient's grievance procedures.

The notice will include the allegations potentially constituting discrimination, harassment, sexual misconduct, or retaliation including sufficient details known at the time, and will provide the parties sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties alleged to be involved in the incident, if known, the conduct allegedly constituting discrimination, harassment, sexual misconduct, or retaliation and the date and location of the alleged incident, if known.

The written notice will also include:

- 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 grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney,
- Notice that the parties will have the opportunity to inspect and review evidence.
- Notice informing the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.
- Any interim measures, such as no contact orders or location restrictions, if appropriate.

Informal Resolution

Involved parties may pursue the voluntary use of an informal resolution process at any time prior to a final determination regarding responsibility. Informal resolutions are not available in incidents where an employee is alleged to have engaged in sexual misconduct against a student. An informal resolution process does not involve a full investigation and adjudication. If an informal resolution process is pursued, the Investigator will make no attempt to determine whether discrimination, harassment, sexual misconduct, or retaliation has occurred. Informal resolution will not be facilitated by the

Investigator assigned to the complaint, and the investigation is put on hold pending attempts at informal resolution. Informal resolutions will be assigned to a Community Standards and Support team member.

Informal resolution may include, but is not limited to:

- Mediation
- Voluntary written agreements with or without in-person contact between the respondent and complainant, which may include:
 - no contact orders,
 - voluntary location restrictions and,
 - voluntary relocation of residence.
- Other voluntarily agreed upon boundaries and expectations.

Prior to the initiation of an informal resolution process, the University will provide the parties with a written notice of the allegations and also describe the parameters of the informal resolution process. Initiation of this process requires the parties' voluntary consent to commence and participate in the informal resolution process.

If both parties request an informal resolution, the Equity Administrator / Title IX Coordinator determines if an informal resolution is appropriate and may deny the request if warranted.

If an informal resolution is pursued the parties will receive a written notice disclosing:

- the allegations,
- the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming an investigative process arising from the same allegations,
- at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the complaint,
- parameters of resolution, including the resolution is binding only on the parties
- any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Involved parties may not re-initiate the investigation process after parties have voluntarily agreed to the outcome of the informal resolution. However, if prior to a final outcome the informal process fails or the Equity Administrator / Title IX Coordinator determines it inappropriate to continue, the formal grievance process will resume.

The Title IX Coordinator may seek the assistance of a third party to facilitate an informal resolution, where appropriate.

Investigation of Complaints

Once a complaint is received, the Investigator will commence an investigation as soon as practicable. The purpose of the investigation is to gather and review all directly related evidence from involved parties, determine if the objectionable behavior potentially constitutes a violation of policy and provide all evidence relevant to that determination in an investigative report.

The investigator may receive counsel from University administrators, the University's attorneys, or other parties as needed.

In general, the University does not investigate matters that do not take place on property not owned or controlled by the University or matters outside the context of the University's academic programs and activities.

In regards to matters of sexual misconduct, the University's obligations are triggered if the misconduct occurred during an institution's program or activity in the United States. The education program or activity includes locations, events, or circumstances over which UCM exercises substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by UCM.

In matters of discrimination and harassment, the University will address those incidents that occur during an institution's program or activity described above, and also, those incidents that occur outside the University's program and activity or outside the United States.

Investigation Process

- The primary investigator will:
 - Interview the complainant, respondent, and witnesses.
 - Gather all directly related exculpatory and inculpatory evidence, as available.
 - Communicate with all involved parties throughout the investigation.
 - Provide time for review of all directly related evidence and statements by complainants and respondents.
 - Objectively evaluate all directly related evidence, including both inculpatory and exculpatory evidence, and include all relevant evidence in the investigative report, and will create a log of all evidence deemed not directly related.
 - Address credibility. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. Prepare a preliminary investigative report for review.
 - Finalize and submit the investigative report to the hearing officer.
- During the grievance process:
 - The burden of gathering evidence and the burden of proof will remain on the University, not on the parties.
 - The University will not restrict the ability of the parties to discuss the allegations or present evidence.
 - The University will take reasonable steps to prevent and address parties' unauthorized disclosure of evidence obtained solely through grievance procedures.
 - Parties will have the same opportunity to select an advisor of the party's choice who may be, but does not need to be, an attorney.
- Parties may be accompanied by an advisor to any related meeting or proceeding.
 - The University will not limit the choice or presences of an advisor for either the complainant or respondent in any meeting or grievance proceeding; unless such advisor is or could be a party or witness to the complaint. The advisor may only advise and not participate in the proceedings except as specified. Restrictions

apply equally to all advisors. Parties may bring a different advisor to different meetings or hearings but may be accompanied by only one advisor at a time. If a party does not bring an advisor to the hearing, the university will provide and assign them an advisor for the hearing, but for no other meetings.

- Throughout the investigation stage, an advisor may serve as a support person only and must sign a support person agreement acknowledging and agreeing to the role.
- The University will send written notice to the parties, and their advisors, of any investigative interviews, meetings, or hearings in which a party is invited to attend.
 - The notice will include date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the original notices provided, the University will provide notice of the additional allegations to the parties and their advisors, whose identities are known.
- Both the parties and their advisors will be provided periodic updates regarding the status of the investigation.
- At a time or times scheduled by the University, the University will provide both parties and their advisors, an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a complaint. This review also includes the evidence the University does not intend to rely upon when reaching a determination of responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source. This provides each party an opportunity to meaningfully respond to the evidence prior to conclusion of the investigation and/or at hearing.
- The University will send a preliminary investigation report to the parties, and their advisors, in electronic format or hard copy, with at least ten (10) days for the parties to inspect, review, and provide any preferred response to the Investigator regarding the evidence.
- The Investigator will create a finalized investigative report that accurately summarizes relevant evidence and provide the complainant and respondent with the finalized report.

- The report will be provided at least ten (10) days prior to a hearing (if a hearing is required or otherwise provided) in an electronic format or a hard copy, for their review prior to a scheduled hearing.
- The finalized report will be presented to a hearing officer to conduct a hearing as designated in this policy.
- Investigations or proceedings will 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.
 - The question(s) or evidence have material significance where the respondent is proving consent where consent is a defense to the alleged conduct; or
 - Such information is evidence of the immediate surrounding circumstances of the alleged conduct and could prove an alternative explanation or someone other than the respondent is responsible for the alleged conduct.
- The University will not access or use such records unless the University obtains the party's voluntary, written consent to do so.
- Questions and evidence about a complainant's prior sexual behavior are irrelevant, pursuant to Missouri's rape-shield law. The limited exceptions to this under this policy are:
 - The University will protect the confidentiality of a party's medical, psychological, and similar treatment records.

If the investigation determines that the charges may constitute discrimination, harassment, sexual misconduct, or retaliation under the policy, then the investigative report will be forwarded to a hearing officer for a hearing.

If the investigation determines that the charges do not rise to the level of implicate discrimination, harassment, sexual misconduct, or retaliation under the policy, but may constitute other forms of misconduct or policy violation, then the investigative report may be forwarded to a hearing officer or other department for appropriate action under grievance, employee conduct, or student conduct processes.

Dismissal of Complaints

The University may dismiss the complaint when the conduct alleged in the complaint would not constitute discrimination, harassment, sexual misconduct, or retaliation as defined in this policy, did not occur in the University's education program or activity, or did not occur against a person in the United States.

The University may dismiss the complaint or any allegations therein, if at any time during the investigation or hearing:

- Evidence collected during the course of the investigation indicates the complaint, if proven accurate, would not constitute a violation of this policy. Prior to dismissing the complaint, UCM will make reasonable efforts to clarify the allegations made by the complainant.
- The complainant notifies the Equity Administrator and/or Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein.
- The respondent is no longer enrolled or employed by the University.
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.

Upon dismissal of a complaint, the University will send written notice of the dismissal and reason(s) for the dismissal simultaneously to both parties. Such a dismissal does not preclude action under another provision of the University's code of conduct, including employee discipline for matters found to have violated Title VII as described above.

If no violation of this policy is found, it does not necessarily mean that the complainant's allegations were false or unfounded, or that no other policy was violated.

- Such determinations may be referred to other University offices for action under other University policies or codes of conduct.
- If findings of fact were made by the hearing officer, disciplinary actions on such matters under other policies should be based on the facts established during the hearing and additional fact finding may not be needed.

- Even where no violation of the discrimination, harassment, sexual misconduct or retaliation policy is found, the University may continue supportive measures for either party, as appropriate, at the discretion of the Equity Administrator / Title IX Coordinator or their designee.
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Hearings

In cases that do not meet the criteria for discrimination, harassment, sexual misconduct, or retaliation under relevant law or University policy, the University may dismiss the complaint or use other University processes to address the behavior as appropriate.

In cases that may meet criteria for discrimination, harassment, sexual misconduct, or retaliation under relevant law or University policy, the University will conduct a hearing where a formal complaint remains pending.

The University will provide a fair and equitable hearing process adhering to the principles of due process and fundamental fairness.

The University exists first and foremost to provide educational services to students; it is not a court of law and is not vested with subpoena powers.

The hearing process will include objective evaluation of all relevant evidence including both inculpatory and exculpatory evidence. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.

Role of the Hearing Officer

The University will provide a process that enables the hearing officer to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of, discrimination, harassment, sexual misconduct, or retaliation.

The role of the hearing officer is to review the content of the investigation and determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes discrimination, harassment, sexual misconduct, or retaliation under the policy.

Before, during and after the hearing, the Hearing Officer may consult with the Equity Administrator and/or Title IX Coordinator, University administrators, the University's attorneys, or other parties as needed.

Discrimination, Harrassment, and Retaliation Hearing Process

- The hearing officer will facilitate an administrative hearing. The hearing officer may meet with the involved parties at their sole discretion or rely solely upon the investigative report to make their decision.
- The hearing officer will objectively evaluate all relevant evidence, inculpatory and exculpatory, and will avoid basing credibility determinations on a person's status as a complainant, respondent, or witness.
- Notice of hearings will be sent even if a party chose not to participate in previous steps of the grievance process.
- A hearing officer may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The hearing officer will not draw an inference about whether an incident occurred based solely on a party's or witness's refusal to respond to such questions.

Sexual Misconduct Hearing Process

- The hearing officer will facilitate a live hearing, which may be conducted in an electronic format in the hearing officer's sole discretion, and the hearing officer will ensure all parties follow the established hearing protocols. If held electronically, the parties will be located in separate rooms with technology enabling the parties to see and hear each other.
- The hearing will be recorded by the University and should not be recorded by the parties or anyone else present.
- The hearing officer will determine the order of speakers and will allow structured cross examination of every party and witness by the hearing officer and party's advisors.
- At the live hearing, each party's advisor is permitted to ask the other party and any witnesses all relevant questions posed by the party the advisor is assigned to, and follow-up questions including those challenging credibility. All question posed by an advisor must be raised by the party to which they are assigned but relayed by the advisor. Parties may

request a pause in the proceedings for time to confer with their advisors, which may or may not be granted at the hearing officer's discretion.

- Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- Only relevant cross-examination and other questions may be asked of a party or witness. 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 to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant, inviting comments as to relevance if desired. For example, after a question is posed, the hearing officer may state either "that's a relevant question, please answer" or "I don't see the relevance to that question, Ms. Advisor, why do you think that is relevant to today's hearing" and then make a decision. If the hearing officer deems a question irrelevant, it will not be answered.
- Advisors may not make any objections.
- If a party does not have an advisor present at the live hearing the University will provide one for them, without fee or charge to that party.
- The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or the other questions.
- The University will honor rape shield protections for complainants, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
- The hearing officer will objectively evaluate all relevant evidence, inculpatory and exculpatory, and will avoid basing credibility determinations on a person's status as a complainant, respondent, or witness.
- Notice of hearings will be sent even if a party chose not to participate in previous steps of the grievance process.
- The University's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties

and witnesses, including questions challenging credibility, will:

- Allow the Investigator or hearing officer to ask such questions during individual meetings with a party or witness;
 - Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the Investigator or hearing officer during one or more individual meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
 - Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.
 - Procedures for the hearing officer to evaluate the questions and limitations on questions:
 - The hearing officer will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The hearing officer will give a party an opportunity to clarify or revise a question that the hearing officer determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.
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Determination Whether Discrimination, Harassment, Sexual Misconduct or Retaliation Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the University will:

- Use the preponderance of the evidence standard of proof to determine whether discrimination, harassment, sexual misconduct, or retaliation occurred. The standard of proof requires the hearing officer to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the hearing officer is not persuaded under the applicable standard by the evidence that discrimination, harassment, sexual misconduct, or retaliation occurred, whatever the quantity of the evidence is, the hearing officer will not determine that discrimination, harassment, sexual misconduct, or retaliation occurred.

- Notify the parties simultaneously in writing of the determination whether discrimination, harassment, sexual misconduct, or retaliation occurred:
 - When the hearing officer finds that discrimination, harassment, sexual misconduct or retaliation occurred, any disciplinary sanctions the University will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of the discrimination, harassment, sexual misconduct, or retaliation; and
 - The University's procedures and permissible bases for the complainant and respondent to appeal.
 - The University will not impose discipline on a respondent for discrimination, harassment, sexual misconduct, or retaliation prohibited by this policy unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited conduct.
- If there is a determination that discrimination, harassment, sexual misconduct, or retaliation occurred, as appropriate, the Equity Administrator / Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to the University's education program or activity limited or denied by discrimination, harassment, sexual misconduct, or retaliation;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that discrimination, harassment, sexual misconduct, or retaliation does not continue or recur within the University's education program or activity.
 - Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for

engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Determination Regarding Responsibility

After the conclusion of the hearing (generally within 10 business days) the Hearing Officer will prepare and issue a written determination regarding responsibility including:

- Identification of the allegations at issue;
- Description of the procedural steps taken throughout the case;
- Findings of fact supporting the determination;
- Conclusions regarding application of the discrimination, harassment, sexual misconduct, or retaliation policy;
- A statement and rationale as to the determination for each allegation;
- If a policy violation is found, a statement of any sanctions imposed and whether any remedies will be provided to the complainant; and
- A description of the procedures and permissible grounds for appeal.
- Complaints involving University employees may involve coordination with complainant's and/or respondent's supervisors.
- The hearing officer will send the written determination simultaneously to the parties along with information about how to file an appeal.
- The written determination shall be final, subject only to the right of appeal set forth below.

If a policy violation is found, the hearing officer will outline reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, sexual misconduct, or retaliation. Sanctions, remediation, and other appropriate actions are discussed further below.

Complaints involving University employees may involve coordination with complainant and respondent supervisors; this is not a violation of confidentiality.

The written determination becomes final upon the earlier of when: (i) the parties are notified of the determination on appeal; or (ii) the time to file an appeal has passed with neither party appealing.

Sanction and Remedy Guidelines

The University will carefully review each incident on an individual basis. The specifics of the incident will determine the severity of the sanctions imposed. The University may impose various sanctions or remedies, ranging from verbal warning to expulsion or termination of employment, depending on the severity of the offense. Sanctions or remedies will be determined by the hearing officer after a hearing described is conducted, as specified in the University's grievance procedures.

Following a determination that a respondent violated the University's discrimination, harassment, sexual misconduct, or retaliation policy, the University may impose disciplinary sanctions.

Sanctions and remedies for students may include, but are not limited to:

- Verbal warning
- Written reprimand
- Mandatory participation in appropriate educational programs
- Alteration to relevant fees and tuition
- Modification of campus housing assignment
- Temporary or long-term campus restrictions
- Requiring no contact between the parties
- Prohibitions on attending school, work, or other campus events for a period of time
- Suspension or removal from extracurricular activities or student organizations, if appropriate, related, and within the University's control
- Modification of academic or work schedule and/or locations
- Increased security and monitoring of certain areas of campus
- Leaves of absence

- Adjusting reporting lines
- Counseling referrals
- Removal from classes
- Probation
- Suspension
- Expulsion

Sanctions and remedies for employees may include, but are not limited to:

- Oral or written warning or reprimand up to discharge as outlined in UCM Progressive Discipline Procedures
- Transfer or reassignment
- Demotion
- Reduction of wages
- Training or counseling of harasser to ensure that s/he understands why his or her conduct violated UCM policy
- Monitoring of harasser to ensure that harassment stops
- Restoration of leave taken because of the harassment
- Expungement of negative evaluation(s) in employee's personnel file that arose from the harassment
- Reinstatement
- Apology by the harasser
- Monitoring treatment of the employee to ensure that s/he is not subjected to retaliation by the harasser or others in the work place because of the complaint
- Correction of any other harm caused by the the harassment

Appeals

A. Grounds for Appeal

The complainant or respondent may appeal the determination of a complaint or dismissal of a complaint or allegations therein only on the following grounds:

- procedural irregularity that affected the outcome of the matter,

- newly discovered evidence that could affect the outcome of the matter,
- and/or Title IX and Equity personnel involved in the complaint had a conflict of interest or bias that impacted the outcome of the matter.

Dissatisfaction with the University's decision from the resolution procedures is not grounds for an appeal.

B. Method of Appeal

Appeals must be filed with the Title IX Coordinator and/or Equity Administrator within ten (10) calendar days of receipt of the hearing officer's written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant;
- Name of the respondent;
- A copy of the hearing officer's written report;
- A detailed statement of the basis for the appeal including the grounds for appeal, specific facts, circumstances, and argument in support of it and requested action, if any.

An Appellate Officer will be assigned by the Title IX Coordinator and/or Equity Administrator. The appellant may request a meeting with the Appellate Officer, but the decision to grant a meeting is within the Appellate Officer's discretion. However, if a meeting is granted, the other party will be granted a similar opportunity. The non-appealing party will be notified of the appeal and will be allowed to submit a written statement in response.

Those who wish to appeal a decision can submit the appeal through the Discrimination, Harassment, Sexual Misconduct, or Retaliation Appeal Form, https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=21 (https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=21)

C. Resolution of the Appeal

The Appellate Officer will resolve the appeal generally within ten (10) days of receiving it and may take any actions that he/she determines to be in the interest of a fair and just decision. The Appellate Officer shall issue a short and plain written statement of the resolution of the appeal, including whether the appeal states sufficient grounds for appeal as set forth above and any changes made to the Hearing Officer's previous written determination. The written statement shall be

provided to the complainant, respondent, and the Equity Administrator / Title IX Coordinator simultaneously, via email or hard copy. The decision of the Appellate Officer is final and not subject to further review within the University.

Additional Information

Serving Impartiality and Avoiding Conflict of Interest and/or Bias

Impartiality is integral to the Discrimination, Harassment, Sexual Misconduct, or Retaliation formal grievance process.

Neither Complainants reporting discrimination, harassment, sexual misconduct or retaliation, nor Respondents defending against allegations of discrimination, harassment, sexual misconduct or retaliation, shall be met with prejudgment throughout the formal process.

For the purpose of this procedure, a conflict of interest is defined as a situation in which personal or private interests may reasonably compromise one's judgment, decisions, or actions. The subjective appearance of conflict will be reviewed by the Title IX Coordinator, Equity Administrator, or their designee and a determination of actual conflict will be made. Reasonable steps will be taken to prevent actual conflicts of interest from impacting the formal grievance process.

Under this policy, bias is defined as a tendency, inclination, or prejudice toward/against someone based on a protected characteristic. Stereotypes based on protected status will not be allowed to influence the formal grievance process. Evidence of bias impacting the formal grievance process will serve as a potential basis for appeal following a formal hearing.

Title IX Coordinator, Equity Administrator, investigators, hearing officers, appellate officers, and any person who facilitates an informal resolution process will receive training on the definition of discrimination, harassment, sexual misconduct, or retaliation, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable to their individual role, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Bad Faith / False Complaints

While the University encourages all good faith complaints of discrimination, harassment, sexual misconduct or retaliation, the University has the responsibility to balance the rights of all parties. Lack of evidence sufficient to conclude responsibility does not necessarily imply that the allegations were unfounded, false, or made in bad faith. An allegation may be true and lack sufficient evidence to meet a standard of evidence proving responsibility, or an allegation may be inaccurate but not intentionally falsified.

If the University's investigation reveals that a party made a bad faith false complaint, the complaint was intentionally malicious to gain personal benefit, or to intentionally misuse the policy to address matters not related to discrimination, harassment, sexual misconduct, or retaliation, the complaint will be dismissed, and the person who filed or otherwise participated in the knowingly false complaint may be subject to discipline.

- The University will carefully assess the facts of each particular situation and evaluate the credibility of all parties in each case.
- False reports are subject to sanctions equal to those who are found responsible for discrimination, harassment, sexual misconduct or retaliation.
- If it is determined a complainant made false accusations, the respondent will be eligible for the same remediation and supportive services as would a complainant.
- Charging an individual with a code of conduct violation for making a bad faith false statement during a grievance process is not retaliation.

Prohibition Against Retaliation

The University strictly prohibits retaliation against any person for making any good faith report under this policy. Involved parties may not interfere with any right or privilege secured by this policy or retaliate against an individual who has engaged in protected conduct, to include that they made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Engaging in retaliation is a separate violation of policy and can result in disciplinary action regardless of the outcome of the investigation and resolution of the initial complaint. The University will respond to conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of harassment, discrimination, sexual misconduct, or retaliation.

Examples of retaliation include, but are not limited to, intimidation, threats, coercion, or discrimination if based on the underlying protected conduct. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination of employment.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation.

Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Equity Administrator / Title IX Coordinator. The University will promptly investigate all claims of retaliation.

Timelines

Informal Resolution

When an informal resolution to a concern is requested, the University will generally complete informal resolutions within 30 business days. Some complaints may not require the 30 business day time frame and can be resolved in less time, whereas other complaints may require more time based upon mutual participation in the process, holidays, and other University breaks or closures.

The following is an example of a reasonably prompt timeline of how an informal resolution might be conducted within the general 30 business day timeframe:

Report received	Day 1
Initial interview and fact-gathering from the Complainant	Day 2-7
Notice sent to Respondent(s)	Day 8

Respondent reviews and responds to request for informal resolution	Day 9-16
Parties meet or mutually agree to an informal resolution plan	Day 16-26
Resolution summary sent to involved parties; case closed	Day 27-30

Formal Complaint

Upon receiving a written complaint, absent informal resolution, the University will determine if the complaint, if proven accurate, would constitute a policy violation. If the behavior might reasonably constitute a policy violation, the University will conduct a prompt and equitable investigation in a timely manner.

The University will generally resolve complaints within 99 business days, from the initial receipt of a written complaint through the appeal process. Some complaints may not require the 99 business day time frame and can be resolved in less time, whereas other complaints may require more time, based on the complexity of a complaint, additional allegations presented, University closures, or other delays.

If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information beyond the timeframe, they shall notify the Investigator in writing, explaining how much additional time is needed and why it is needed. The Investigator shall respond to any such request generally within five (5) business days, and keep the other parties informed of any extensions granted.

The following is an example reasonably prompt timeline of how a complaint may be processed within the general 99 business day time frame:

Report received	Day 1
Initial interview and fact gathering from the Complainant	Day 2-7
Notice sent to Respondent(s)	Day 8
Respondent reviews and responds to complaint (10 days)	Day 9-18
Interviews with witnesses or other involved parties (average 4 weeks)	Day 19-46
Preparation of investigative report (average 2 weeks)	Day 47-60

Parties review and may respond to preliminary report (10 days)	Day 61-70
Finalize and distribute investigative report	Day 71-72
Involved parties review investigative report (10 days)	Day 73-82
Hearing	Day 83
Hearing officer reviews facts and issues finding (15 days)	Day 84-99

Temporary delays of the grievance process or the limited extension of time frames for good cause are permitted with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause 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.

To facilitate these timelines, the University may require employees to participate in the process at specified times during the workday. Supervisors may be notified and required to comply with this requirement but may not be otherwise informed of its nature unless warranted.

Timelines are provided within this document as guidelines. If the Investigator and/or Title IX Coordinator/Equity Administrator need more time to complete necessary tasks at any stage in the procedure, they will communicate to both parties as appropriate.

Training

The training materials used to train Equity Administrator / Title IX Coordinator, investigators, hearing officers, appellate officers, and any person who facilitates an informal resolution process must not rely on stereotypes and will promote impartial investigations and adjudications of complaints of discrimination, harassment, sexual misconduct, or retaliation. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Training for All Employees

In compliance with training requirements, the University ensures that all employees receive training that addresses Discrimination, Harassment, Sexual Misconduct and Retaliation, upon hire, and then annually thereafter. Employees must be trained on the following topics:

- The University's obligation to address discrimination, harassment, sexual misconduct, and retaliation in its educational programs and activities;
 - The scope of conduct that constitutes Title IX sex discrimination;
 - The employee's responsibility is to notify the Title IX coordinator and/or provide the coordinator's contact information upon notice of discrimination, harassment, or sexual misconduct, or retaliation, depending on the employee's role.
 - Essential awareness and understanding of discrimination.
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Training for Title IX Officials

All members of the Title IX team must be trained once they transition into a new Title IX role, and annually thereafter.

Investigators, decision-makers, any employee who is responsible for implementing grievance procedures, and any employee who has the authority to modify or terminate supportive measures must complete the all-employee training and training on:

- The definition of sexual harassment
- The University's grievance procedures including how to conduct an investigation, hold hearings, appeals, and informal resolution processes, as applicable
- How to carry out their roles in an impartial manner, including by avoiding prejudgment, conflicts of interest, and bias; and
- How to use any technology to be used at a live hearing, if applicable
- Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition, prior sexual behavior are disallowed.

- How to apply the rape shield protections provided only for complainant.
- A presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- The definitions of discrimination, harrasment, sexual misconduct, and retaliation.
- The scope of the University's education program or activity

Informal resolution facilitators must complete the all-employee training and training on:

- Rules and practices of the University's informal resolution process; and
- How to carry out their roles in an impartial manner, including by avoiding conflicts of interest, and bias.

Title IX coordinators and their designees must be trained on all of the above trainings and training on:

- Responsibilities specific to Title IX coordinators;
- The University's record-keeping system(s) and requirements; and
- Any other training method needed to coordinate the University's compliance with Title IX.

Title IX regulations do not require role-specific training for confidential employees or advisors.

Training Materials

Training materials used to train Title IX Coordinators, sexual misconduct investigators, sexual misconduct hearing officers, appellate officers, and any person who facilitates an informal resolution process for sexual misconduct, must not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harrasment. Investigators will recieve training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. The University will post materials used to train Title IX personnel on its websites or provide links to material as appropriate.

Recordkeeping

The University will maintain for a period of seven (7) years from the time of item noted below or seven years from the date of exit from the University as student or employee, whichever is later, records of:

- Each discrimination, harassment, sexual misconduct, or retaliation investigation including:
 - Any determination regarding responsibility and
 - Any audio or audiovisual recording or transcript,
 - Any disciplinary sanctions imposed on the respondent,
 - and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
 - Any appeal and the result therefrom;
 - Any informal resolution and the result therefrom;
 - Transcripts and/or recordings of investigations and/or hearings
 - Training materials used to train Title IX Coordinators, Equity Administrators, investigators, hearing officers, appellate officers, and any person who facilitates an informal resolution process will be made available on the University website.
 - Records of any actions, including any supportive measures, taken in response to a report or formal complaint of discrimination, harassment, sexual misconduct, or retaliation.
 - The basis for its conclusion that its response was not deliberately indifferent.
 - Actions taken that were designed to restore or preserve equal access to the recipient's education program or activity.
 - If supportive measures are not provided, a rationale for why such a response was not clearly unreasonable in light of the known circumstances.
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Pregnancy & Related Conditions

The University will protect students, employees, and applicants from discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery, including by providing reasonable modifications for students, reasonable break time for employees for lactation, and a clean, private lactation space for both students and employees.

The University does not treat parents differently on the basis of sex and defines parental status as biological parents, adoptive parents, stepparents, or legal guardians.

The University encourages all employees who are notified of a student's pregnancy or related conditions, to refer that student to the Equity Administrator / Title IX Coordinator who can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the education program or activity.

The Equity Administrator / Title IX Coordinator, can:

- Inform the student of the University's obligations to students who are pregnant or experiencing pregnancy-related conditions and restrictions on University disclosure of personal information, as well as provide the University's notice of nondiscrimination.
- Provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the University's education program or activity.
- Allow the student a voluntary leave of absence for, at minimum, the medically necessary time period and reinstatement upon return.
- Ensure the student's access to a clean, private space for lactation.

The University will not require supporting documentation from a student unless doing so is necessary and reasonable, such as when a certified level of physical ability or health is necessary, or such documentation is required of all students participating in the class.

Reasonable accommodations or modifications are based on individualized needs, determined after consultation with the student. Fundamental alteration is not a reasonable accommodation. The Title IX Coordinator may coordinate these actions in conjunction with the Office of Accessibility Services (OAS), as appropriate.
