

HR

Procedure

Policy

University of Central Missouri Policy

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| Policy Name: Policy Prohibiting Sexual Misconduct, Sexual Harassment, and Sex Discrimination | Date Approved: June 18, 2020 |
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| Responsible Department: Office of the President | |

Purpose

The University of Central Missouri (“UCM” or the “University”) seeks to foster a safe and healthy environment built on mutual respect and trust and is committed to affording equal opportunity in employment and education. Sex discrimination, including sexual harassment, sexual violence, and other forms of sexual misconduct will not be tolerated.

Policy

University policy and applicable law prohibit sexual misconduct, sexual harassment, stalking, domestic violence, and sexual exploitation in the University's education programs and activities, and further prohibit discrimination on the basis of any protected characteristic, including under this policy sex, pregnancy, gender identity, gender expression, and gender (non)conformity. UCM does not tolerate sex discrimination. As used in this policy, the word "sex" is also inclusive of the term "gender."

The University strictly prohibits retaliation against any person for making any good faith report under this policy to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations under this policy. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination of employment. Any person who believes they have been subjected to retaliation is encouraged to promptly notify the Title IX Coordinator. The University will promptly investigate all claims of retaliation.

Reporting by Students, Employees, Volunteers, and Visitors. The University cannot remedy sexual discrimination of which it is unaware. Students, employees, volunteers, and visitors of the University who have experienced any form of sex discrimination, sexual harassment or sexual misconduct, are encouraged to report the incident promptly to the Title IX Coordinator. In addition, students, volunteers, and visitors of the University who have witnessed such conduct are encouraged to report the incident promptly to the Title IX Coordinator. The University will investigate and appropriately resolve all such reports.

For questions regarding confidentiality or requests that the Complaint not be pursued, contact the Title IX Coordinator. In considering confidentiality and whether to pursue the complaint, the Title IX Coordinator must consider the campus community as a whole and the aim to provide a safe environment for all, including potential future victims. In order to foster reporting and participation, the University may provide amnesty to Complainants, Respondents, and witnesses for student conduct violations ancillary to the incident.

Mandated Reporters. The University will provide a fair and equitable response to complaints alleging sex discrimination in any university education program or activity, and will take actions deemed necessary to remedy violations of this policy. In order to facilitate this response, except as noted below, all University employees other than student employees or temporary employees are identified as Mandated Reporters under this policy. Mandated Reporters are required to report incidents of possible sexual misconduct as defined in this policy to the Title IX Coordinator,

regardless of whether the recipient of the alleged behavior is a student, employee, volunteer, or visitor of the University. Mandated reporters must report violations of this policy and not try to resolve themselves. Failure to report sexual misconduct as required may result in disciplinary action. Nothing in this policy prohibits an individual from intervening in a circumstance in an effort to effectuate immediate physical safety or to involve emergency authorities, such as calling 911.

Employees with a Legal Obligation of Privilege or Confidentiality. Employees with a legal obligation or privilege of confidentiality (including health care providers, mental health clinicians, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication. This exemption from the general requirement of all employees to report is applicable only when the employee seeking the exemption is employed by the University for that specific purpose and was acting in that capacity when the confidential disclosure was made. If the employee is not employed by the university in their licensed capacity (for example, an MD teaching an academic course) or the information is not learned in the course of confidential communication (for example, behavior is observed in class or at an event) then the employee has the same obligation as a Mandated Reporter.

Required Reporting and Disclosure. A Mandated Reporter is required to promptly report the information to the appropriate Title IX Coordinator. The Mandated Report must be made regardless of whether the person relaying 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 charges not be pursued, the Mandated Reporter should warn the Complainant that, at this stage in the process, the Mandated Reporter must report all known information to the Title IX Coordinator. Mandated Reporters are not relieved of their obligation to report because another Mandated Reporter has already notified the Title IX Coordinator of the subject of the report.

Content of Mandated Report to Title IX Coordinator. Mandated Reporters must report all details that they possess. This includes names of the Parties, if known, and all other information in the Mandated Reporter's possession.

Non-compliance. Failure to comply with this policy can result in disciplinary action. Employees also are cautioned that non-compliance with this policy may increase their risk of personal liability. Further, an individual who fails to report as required under this policy may be determined to be ineligible for defense or protection by the University for any associated claims, causes of action, liabilities or damages.

Impact of Optional Report to Law Enforcement. A report of sexual misconduct to the Title IX Coordinator is not the same as a report to law enforcement. Individuals aware of sexual violence are encouraged to report that information to local law enforcement where the alleged incident occurred. UCM has no control in whether a criminal case will be pursued by local law enforcement. In accordance with federal law, the Title IX Coordinator will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Title IX preliminary investigation. It may be necessary to delay temporarily the fact-finding portion of a Title IX preliminary investigation while the police are gathering evidence. The Title IX Coordinator will promptly resume the preliminary Title IX investigation as soon as deemed appropriate by the Title IX Coordinator in consultation with the Office of General Counsel. The Title IX Coordinator will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the Complainant and the campus community and the avoidance of retaliation.

Due process and fundamental fairness. UCM will respond promptly to sexual harassment and other sexual misconduct under this policy in a manner that is not deliberately indifferent, which means that a response is not clearly unreasonable in light of the known circumstances. The University cannot guarantee that sexual harassment 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.

Dissemination of policy

The University prominently displays the contact information for the Title IX Coordinator and the Assistant Secretary of the Department of Education, and the notice of non-discrimination on the University's website and in University handbooks and catalogs. The University will also notify applicants for admission and employment and all applicable unions of the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator.

Inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.

Title IX Coordinators. Title IX is the federal law prohibiting discrimination on the basis of sex in educational programs or activities in the United States. It requires designation by a school of a Title IX Coordinator or Coordinators. Duties and

responsibilities of the University's Title IX Coordinators include monitoring and oversight of overall implementation of not just Title IX compliance at the University, but all laws and prohibitions covered by this policy, including coordination of training, education, communications and coordination of the sexual misconduct grievance process for faculty, staff, students and other members of the University community and investigation of complaints of sex discrimination and other sexual misconduct under this policy. The University may designate Deputy Coordinators as needed to assist in fulfillment of the Coordinator's duties and responsibilities. All references to "Title IX Coordinator" throughout this policy refer to the Title IX Coordinator or the Coordinator's designee.

The following individuals serve as Title IX Coordinators and are designated to handle inquiries regarding this policy:

Corey Bowman, Associate Vice President for Student Services/Title IX Coordinator
Office of Student Experience and Engagement
214 Administration Building
660-543-4114
bowman@ucmo.edu (mailto:bowman@ucmo.edu?subject=Title%20IX%20Inquiry)

If the Complaint involves the University's Title IX Coordinator, Complaints may be made to the University President.

Office of the President
202 Administration Building
660-543-4112
president@ucmo.edu (mailto:president@ucmo.edu?subject=Title%20IX%20Inquiry)

If an individual desires, they may contact the Assistant Secretary for Civil Rights in the Office for Civil Rights (OCR) with the U.S. Department of Education with questions related to Title IX and its application to UCM. Missouri's regional OCR office is located in Kansas City and is available to provide assistance:

U.S. Department of Education
Assistant Secretary, Office for Civil Rights
One Petticoat Lane
1010 Walnut St., Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
Fax: 816-268-0599
E-mail: OCR.KansasCity@ed.gov (mailto:OCR.KansasCity@ed.gov?
subject=Title%20IX%20Question%20from%20UCM%20Campus)

Scope

Definitions

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or other violation of this policy.

“Consent” is permission and willingness to engage in sexual activity, and must be knowing and voluntary. Consent, lack of consent, and withdrawal of consent can be given by word or action. 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 not 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.

“Employee” means any individual hired directly by UCM 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.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment or other violation of this policy against a respondent and requesting that the university investigate the allegation(s) of sexual harassment.

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the university’s education programs or activities.
- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, or any other method designated by the Title IX Coordinator.
- As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the university) that

contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the complaint, and the act of filing such a complaint does not constitute a conflict of interest with nor a bias in favor or against any involved party.

“Incapacitation” is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., they lack the ability to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, sleep, illness, involuntary physical restraint, or from the effect of drugs.

The perspective of a reasonable person will be the basis for determining whether one knew or should have known about the person's ability to give consent. 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.

“Informal Resolution” Informal resolution may be pursued only after a Formal Complaint is filed and, after being informed of their options, both parties mutually and voluntarily agree in writing to informal resolution. 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. Agreement to engage in informal resolution may be withdrawn any time prior to agreeing to a resolution. Informal resolution may not be used to resolve allegations that an employee engaged in sexual misconduct toward a student.

“Preponderance of the Evidence Standard” means a violation of this policy will be found if the decision maker concludes it is more likely than not that allegations constituting sexual harassment or other violation of this policy occurred.

“Respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or other violation of this policy.

“Retaliation” Retaliation is any adverse action taken against a person because of that person's participation in protected activity. That includes, without limitation, intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

“Sexual exploitation” occurs when one person takes nonconsensual 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 which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:

1. Invasion of sexual privacy;
2. Prostituting another person;
3. Taping or recording of sexual activity;
4. Going beyond the boundaries of consent to sexual activity (e.g., letting your friends hide to watch you engaging in sexual activity);
5. Engaging in voyeurism;
6. Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
7. Inducing another to expose their genitals;
8. Distribution of intimate images;
9. Use or distribution of drugs or alcohol with intent to facilitate sexual contact without consent (i.e., predatory drugs or alcohol).

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the university conditioning the provision or denial of an aid, benefit, or service of the university on an individual’s participation in sexual conduct;
- Unwelcome conduct that a reasonable person would find to be so severe and/or pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or
- Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking (each as defined in the Violence Against Women Act (VAWA)).

“Sexual misconduct” includes conduct that can be classified as sex discrimination, sexual harassment, sexual violence, and other conduct of a sexual nature as defined in this policy.

“Student” is a person who is currently enrolled at the University or was at the time of the alleged violation of this policy.

“Supportive measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or

preserve equal access to the university's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment, or deter sexual harassment.

Supportive measures will not be automatically 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, mutual 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.

Procedure

UCM will establish and follow the sexual misconduct grievance process administered by the Title IX Coordinator as approved by the President in consultation with the Office of General Counsel. The process will include complaint filing details, confidentiality provisions, formal and informal resolution methods, investigation standards, hearing process, and an opportunity for immediate appeal of both interim measures and decisions after hearing. The process will be written in plain language to ensure it is accessible and understandable to parties who may be experiencing crisis or trauma. The process will be publicly posted on the University website, as will training given to persons involved in the process.

Other than supportive measures, no disciplinary sanctions or other actions will be imposed against a respondent until and unless the sexual misconduct grievance process is completed and results in a finding of violation by the preponderance of the evidence or the parties agree to other outcomes through informal resolution.

UCM's Sexual Misconduct Grievance Process

The following is the Sexual Misconduct Grievance Process required by BOG Policy 1.2.155 – Policy Prohibiting Sexual Misconduct, Sexual Harassment, and Sex Discrimination. The full text of Policy 1.2.155 is available above.

Preamble

The University treats all disclosures and reports of sexual misconduct with great care and discretion while also balancing the duty to provide fairness and safety to our community. UCM provides support for members of the University community who have experienced sexual misconduct, while also providing an equitable resolution process. A formal complaint does not need to be filed in order to seek assistance or supportive measures. Please contact the Title IX Coordinator or a Deputy Title IX Coordinator with questions.

I. Seeking Assistance

If a student or employee experiences sexual misconduct, they are urged to seek immediate assistance from any of the following resources and they are encouraged to submit a complaint to the University's Title IX coordinator.

- **Safety, Law Enforcement & First Responders**
- **Public Safety:** To report a crime on campus, contact Public Safety at [660-543-4123](tel:660-543-4123) or visit them at 306 Broad Street, Warrensburg, MO 64093.
- **Warrensburg Police Department (WPD):** In an emergency, WPD can be contacted by calling 911. You may also call WPD at [660-747-9133](tel:660-747-9133) during regular business hours or call Johnson County Central Dispatch at [660-747-2265](tel:660-747-2265), for non-emergency calls or after hours. WPD is located at 102B South Holden Street, Warrensburg, MO 64093.
- **Lee's Summit Police Department (LSPD):** In an emergency, Lee's Summit police can be contacted by calling 911. You may also call LSPD at [816-969-1700](tel:816-969-1700) during regular business hours, or for non-emergency calls or after hours call [816-969-7390](tel:816-969-7390). LSPD is located at 10 NE Tudor Rd., Lee's Summit, MO 64086.
- **Medical Services**
- Please be aware that medical experts may be able to assist in preserving evidence in addition to treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services.
- **University Health Center:** The Health Center offers students non-emergency medical care for injuries and follow-up appointments. Contact them at [660-543-4770](tel:660-543-4770) or visit them at 600 South College Avenue, Warrensburg, MO 64093. Hours: M-F, 8:00am-12:00pm, 1:00pm-5:00pm.

- **Western Missouri Medical Center:** For emergency medical care, contact Western Missouri Medical Center at 660-747-2500 or visit them at 403 Burkarth Road, Warrensburg, MO 64093. Western Missouri Medical Center is available 24 hours a day.
- **Sexual Assault Nurse Examiner (SANE) Service**
- **Western Missouri Medical Center Emergency Room**
- **Lee's Summit Medical Center Emergency Room:** For emergency medical care, contact Lee's Summit Medical Center at 816-282-5150 or visit them at 2100 SE Blue Parkway, Lee's Summit, MO 64063. Lee's Summit Medical Center is available 24 hours a day. Lee's Summit Medical Center is able to provide certified SANE services to respond to needs specific to sexual assault.
- **Bothwell Regional Health Center:** This hospital provides certified SANE services to respond to needs specific to sexual assault. Contact them at 660-826-8833 or visit them at 601 East 14th Street, Sedalia, MO 65301. Bothwell Regional Health Center is available 24 hours a day.
- **Saint Luke's Health System:** This hospital provides certified SANE services to respond to needs specific to sexual assault. Contact them at 816-347-5000 or visit them at 100 N.E. Saint Luke's Blvd., Lee's Summit, MO 64086. Saint Luke's is available 24 hours a day.
- **Sexual Assault Response Team (Off-Campus):**
- **Survival Adult Abuse Center, Inc. (Survival House, off campus):** Survival House in Johnson County, MO offers a crisis hotline for victims to discuss options, 24-hour emergency shelter, referrals to other agencies, case management, crisis intervention, court advocacy, resource advocacy, sexual assault advocacy, support groups and a volunteer program. Advocates specialize in helping the victim understand the medical, police and recovery processes, and assess safety needs and assist with referrals, all while maintaining confidential communication. To get connected with an advocate, call the Survival House confidential hotline 24 hours a day at 1-800-846-7597 or (660) 429-2847 or to utilize other Survival House services, call 660-429-1088 or visit <http://survivalhouse.org/> (<http://survivalhouse.org/>)
- **Preservation of Evidence**
- If a student or employee experiences sexual violence, domestic violence, or dating violence, they are encouraged to do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence, domestic violence, or dating

violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are medically examined and, if necessary, a forensic examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

- It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, social media posts or contacts, etc. rather than evidence of physical contact and violence.
- **Confidential Counseling and Support in the Community**
- **Survival House:** Support Groups are open to the public for anyone who is or has been a victim of domestic violence and/or sexual assault. All support groups are located at Survival's Outreach Center, located at 137 East Culton Street, Warrensburg, MO 64093. For more information on available groups and other Survival services, please contact Survival at 660-429-1088.
- **Kansas City Anti-Violence Project (KCAVP):** A nonprofit organization committed to providing domestic violence, sexual assault, and hate crimes advocacy and education to the lesbian, gay, bisexual, transgender, queer, and questioning community in Western Missouri and Eastern Kansas. Individuals can make a report to KCAVP to document incidents of violence, sexual assault, and hate crimes for national/local statistics of violence against LGBTQ individuals. They will not report to the police without the victim's consent. Contact them at 816-561-0550 to get connected to advocacy and support resources. To electronically report a crime go to: www.kcavp.org/site/report-crime (<http://www.kcavp.org/site/report-crime>)

II. How to make a report of sexual misconduct

Individuals may make a complaint of sexual misconduct to the Title IX Coordinator. Mandated Reporters as defined by this policy are required to report possible sexual misconduct as defined by this policy to the Title IX Coordinator. Although UCM encourages complainants to talk to someone, we have also developed an online tool for reporting of sexual misconduct. Complainants and non-mandated reporters are not required to share personally identifying information on this page, but if a reporter chooses to provide those details, this may serve as notice to the University for the purpose of triggering an investigation.

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

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

Upon receipt of a report, the Title IX Coordinator (or designee) will respond to sexual harassment promptly in a non-deliberately indifferent manner. Upon receipt of a report, the 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.

a. 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 a sexual misconduct process. Sometimes persons are reluctant to report instances of sexual misconduct or 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, participants of sexual misconduct 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.

b. Honesty 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, refusal to cooperate, 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 dishonest or disruptive behavior under this procedure, but parties, witnesses, and other participants are asked to keep the Title IX coordinator, investigator, and/or hearing officer timely informed of their willingness to participate in the various aspects of this process.

c. Formal Complaint

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

So that the University has sufficient information, the complainant should complete a formal complaint 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 sign a formal complaint, or is not participating or attempting to participate in a program or activity, or otherwise does not meet the legal requirements of filing a formal complaint, the Title IX Coordinator may sign a formal complaint on behalf of the complainant.

- The Title IX Coordinator 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 Title IX Coordinator will document their reasons why each response to allegations of sexual harassment was not deliberately indifferent

The Title IX Coordinator will consider a range of factors, including any potential risk that the respondent will commit additional acts of sexual misconduct, such as:

- Whether there have been or may be other sexual misconduct 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 sexual misconduct against the complainant or others;
- Whether the sexual misconduct was committed by multiple respondents;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual misconduct (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 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 when a complainant files, or a Title IX Coordinator signs, a formal complaint. The only University official who is authorized to initiate a grievance process against a respondent is the Title IX Coordinator (by signing a formal complaint) or their designee.

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

The University will keep confidential the identity of any individual who has made a report or complaint of sexual misconduct, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex

discrimination, any respondent, and any witness, except as may be permitted by, or as required by, law, including the provision of supportive measures and the conduct of any investigation or hearing.

The university may dismiss a complaint in its discretion if:

- The complainant notifies the Title IX Coordinator in writing that they want to withdraw the complaint;
- The respondent is no longer enrolled or employed by the University; or

Specific circumstances prevent gathering evidence to reach a determination as to the formal complaint or allegations.

III. Supportive Measures

Supportive measures are individualized services reasonably available, without fee or charge, that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party or to the University while designed to ensure equal educational access, protect safety, or deter sexual misconduct. Supportive measures can be provided to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity.

The Respondent should expect an equitable grievance process. The University will not treat a respondent as responsible for sexual misconduct nor impose disciplinary action as a supportive measure without making findings to warrant the imposition of sanctions, all while providing due process protections.

If a lawful order of protection is in place, the order should be provided to the Title IX Coordinator. The University will take all reasonable and legal action to allow the implementation and to not interfere with the implementation of the order.

The University may remove a respondent from the University's education programs or activities on an emergency basis, an interim measure, with or without a grievance process provided:

- The University undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and

- The respondent will be notified and provided an opportunity to challenge the decision immediately following the removal.

The Title IX Coordinator or designee will serve as the point of contact for the impacted students to ensure that the supportive measures are appropriate and modify if warranted.

The Title IX Coordinator or designee is authorized to coordinate and implement supportive measures through other offices and departments, as deemed appropriate.

The following are examples of support and interim measures available, which include but are not limited to:

- Mutual No Contact Orders
- Temporary location restrictions
- Campus escort services, when available
- Increased security and monitoring of certain areas of the campus
- Connection with counselors or therapists, medical assistance, law enforcement, and referrals to attorneys or legal aid
- Academic accommodations and schedule changes
- Leaves of absence
- Non-punitive adjustments to work schedules or temporary relocation to another work assignment for the protection of both parties
- The ability to withdraw from/retake a class without penalty
- Access to academic support such as tutoring, retaking exams or requesting extensions of deadlines or other course-related adjustments
- The ability to change living arrangements or dining facilities as space allows
- Off campus resources and support

After a grievance process has concluded, there may be circumstances where the parties want supportive measures to remain in place or be altered rather than removed following a determination of non-responsibility. The University may implement or continue supportive measures for one or both parties in such a situation, as appropriate and not unreasonably burden either party. The University may implement or continue supportive measures for one or both parties in such a situation, as appropriate.

IV. Grievance Process

The University's sexual misconduct grievance process treats complainants and respondents equitably by providing a fair and equitable process that adheres to the principles of due process and fundamental fairness. This process recognizes the need for complainants to receive remedies where a respondent is determined responsible for sexual misconduct, and for respondents to face disciplinary sanctions only after a fair process determines responsibility.

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

UCM's sexual misconduct grievance process for a formal complaint can include a formal investigation or an informal resolution process is available for most formal complaints. Informal resolution is not permitted where no formal complaint has been filed, and may not be used to resolve allegations that an employee sexually harassed a student.

UCM's sexual misconduct grievance process addresses a range of behaviors objectionable to the University community. The sexual misconduct policy addresses behaviors that constitute sexual harassment as defined under Title IX, sexual harassment as defined under Title VII, and other forms of sexual misconduct. The University recognizes that various laws use definitions that may overlap in confusing ways.

Under Title IX, sexual harassment is actionable if it is found to be both severe and pervasive. Under Title VII, sexual harassment is actionable if it is either severe or pervasive. The investigator is tasked with gathering all relevant evidence and including it in the investigative file for use at the hearing described below, where the hearing officer will determine whether the conduct occurred, and whether it was severe and/or pervasive. If it is determined that neither Title IX nor Title VII thresholds are met, the University may address the behavior under other appropriate conduct or grievance processes.

a. Due process and fundamental fairness

UCM will respond promptly to sexual harassment and other sexual misconduct 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 sexual harassment 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.

b. Notice of Allegations

In all cases, upon receipt of a formal 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.

The notice will include the allegations potentially constituting sexual misconduct, 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 sexual harassment, 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.
-

c. Informal Resolution

Only after a formal complaint is filed, involved parties may pursue the voluntary use of an informal resolution process at any time prior to a final determination regarding responsibility. 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 sexual harassment 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 resolution processes may not be used to resolve allegations that an employee sexually harassed a student.

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:
 - voluntary 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, written consent to commence and participate in the informal resolution process.

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 a formal complaint 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 formal process with respect to the formal complaint,
- 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 formal 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 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.

d. Dismissal of Formal Complaints

The University will dismiss the sexual harassment elements of a formal complaint, when the conduct alleged in the formal complaint would not constitute sexual harassment 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. 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.

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

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal 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 formal complaint or allegations therein.

If conduct did not occur against a person in the United States, then the University will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. If an incident of sexual misconduct occurs outside of the United States, such as study abroad programs, the University reserves the right to pursue an investigation or disciplinary proceedings through student or employee conduct processes.

Upon a dismissal of a formal complaint, the University will send written notice of the dismissal and reason(s) for the dismissal simultaneously to both parties.

e. Consolidation of Formal Complaints

The University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

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.

V. Investigation of Formal Complaints

Once a formal complaint is filed, the Investigating Officer will commence an investigation of it 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 the Sexual Misconduct policy and provide all evidence relevant to that determination in an investigative report.

If the investigation determines that the charges may constitute sexual misconduct 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 implicate sexual harassment under Title IX or Title VII legal requirements, but may constitute other forms of misconduct or policy violation, then the investigative report may be forwarded to a hearing officer or department for appropriate action under grievance, employee conduct or student conduct processes.

The Investigating Officer 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. The University will enforce this procedure when a situation occurs in locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged misconduct occurs, including any building owned or controlled by a student organization that is officially recognized by the University.

The following is further information and steps in the 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 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.
 - 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 presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding; however, 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 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.
 - Notice of hearings will be sent even if a party chose not to participate in previous steps of the grievance process.
 - Statements of parties or witnesses who are unwilling or unavailable to submit to cross-examination during the live hearing will not be used or considered by the hearing officer in the determination of responsibility under Title IX, even if the person participated in the investigative stage.
- 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 whose identities are known.
- Both the complainant and the respondent 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 an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal 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 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 fairly summarizes relevant evidence and provide the complainant and respondent 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 investigative 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.
 - 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 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 protect the confidentiality of a party's medical, psychological, and similar treatment records.
 - The University will not access or use such records unless the University obtains the party's voluntary, written consent to do so.
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VI. Timeline

Upon receiving a formal complaint, absent informal resolution, the University will conduct a prompt and equitable investigation in a timely manner.

The University will generally resolve formal complaints within 99 days, from the initial receipt of a formal complaint through the appeal process. Some complaints may not require the 99 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 Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request generally within five (5) days, and keep the other parties informed of any extensions granted.

The following is an example outline of how a complaint may be processed within the general 99 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 complaint (10 days) | Day 9-18 |
| Interviews with witnesses or other involved parties (average 2 weeks) | Day 19-32 |
| Preparation of investigative report (average 2 weeks) | Day 33-46 |
| Parties review and may respond to preliminary report (10 days) | Day 47-56 |
| Finalize and distribute investigative report | Day 57-58 |
| Involved parties review investigative report (10 days) | Day 59-68 |
| Hearing | Day 69 |
| Hearing officer reviews facts and issues finding (10 days) | Day 70-79 |
| Opportunity to appeal (10 days) | Day 80-89 |
| Appeal officer reviews and responds to appeal (10 days) | Day 90-99 |

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.

VII. Hearings

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. If they deem it helpful, either the Title IX coordinator or the hearing officer may schedule a pre-hearing conference or conferences with the parties in their discretion, utilizing the meeting notice provisions outlined in section V. above.

a. Role of the Hearing Officer

In cases that do not meet the criteria for sexual harassment under Title IX or Title VII, the University may use existing conduct processes and hearings to address the behavior.

In cases that may meet criteria for sexual harassment under provisions of Title IX or Title VII, the University will conduct a hearing where a formal complaint remains pending. 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 sexual misconduct under the policy.

- 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 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.

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

b. Procedure

- 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 the parties' 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 questions 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 in 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.
- ~~If a party or witness does not submit to cross-examination at the live hearing, the hearing officer must not rely on any statement of that party or witness, whether earlier in the hearing or included in the investigative report, in reaching a determination regarding responsibility under Title IX, provided, however, that~~ 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 other questions. (Struck language, deleted effective August 10, 2021, per nationwide injunction imposed by court in *Victim Rights Law Center, et al v. Cardona, Goldberg and the United States Department of Education*, (D. Mass.) August 10, 2021.)
- 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.

VIII. Determination Regarding Responsibility

After the conclusion of the hearing, (generally within 10 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 sexual misconduct 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.
- In complaints involving university employees, this 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 sexual misconduct and retaliation. Sanctions, remediation and other appropriate actions are discussed more below.

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

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 sexual misconduct policy is found, the University may continue supportive measures for either party, as appropriate in the discretion of the Title IX coordinator or designee.

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.

IX. Sanction 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, ranging from verbal warning to expulsion or termination of employment, depending on the severity of the offense. Sanctions will be determined by the hearing officer after a hearing described above.

If the Respondent is found in violation of the sexual misconduct policy, sanctions may include, but are not limited to:

- Verbal warning
 - Written reprimand
 - Probation
 - Transferring the respondent to another residence hall or other classes
 - Temporary or long term campus restrictions
 - Reassignment of work duties
 - Mandatory participation in appropriate educational programs
 - Requiring no contact between the parties until both parties graduate or otherwise exit the university
 - Prohibiting the respondent from attending school, work, or other campus events for a period of time
 - Suspension or removal from extracurricular activities or student organizations, if appropriate and within the University's control
 - Removal from classes
 - Suspension
 - Expulsion
 - Alteration, suspension, administrative leave or termination of employment
-

X. Bad Faith/False Complaints

While the University encourages all good faith complaints of sexual misconduct, 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 sexual misconduct, 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 credibility of all parties will be evaluated in each case.
- False reports are subject to sanctions equal to those who are found responsible for sexual misconduct.
- If it is determined a complaint 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.

XI. Appeals

1. Grounds for Appeal

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

- a. procedural irregularity that affected the outcome of the matter,
- b. newly discovered evidence that could affect the outcome of the matter,
- c. and/or Title IX personnel had a conflict of interest or bias.

2. Method of Appeal

Appeals must be filed with the Title IX Coordinator 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:

- a. Name of the complainant;
- b. Name of the respondent;

- c. A copy of the hearing officer's written report;
- d. 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. 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, then the other party will be granted a similar opportunity. The non-appealing party will be notified of the appeal and allowed to submit a written statement in response. Those who wish to appeal a decision can submit the appeal through the Sexual Misconduct Appeal Form, https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=21 (https://cm.maxient.com/reportingform.php?UnivofCentralMissouri&layout_id=21)

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

3. Resolution of the Appeal

The Appellate Officer will resolve the appeal generally within ten (10) days of receiving it and may take any and all 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 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.

XII. Retaliation

Retaliation is prohibited. Involved parties may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the Sexual Misconduct policy, or because the individual 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. Intimidation, threats, coercion, or discrimination constitute retaliation if based on the underlying protected conduct. Complaints alleging retaliation under this policy should be filed with the Title IX Coordinator.

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.

XIII. Bias

XIV. Training

1. Training of Title IX personnel includes:
 - a. the definition of sexual harassment,
 - b. the scope of the school's education program or activity,
 - c. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable,
 - d. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
 - e. how to use any technology to be used at a live hearing.
 - f. issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition, prior sexual behavior are disallowed.
 - g. how to apply the rape shield protections provided only for complainants.
 - h. 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.

 2. Training materials used to train Title IX Coordinators, investigators, hearing officers, appellate officers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

 3. The University will post materials used to train Title IX personnel on its websites or provide links to material as appropriate.
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XV. Recordkeeping

1. The university will maintain for a period of seven 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:

- a. Each sexual harassment investigation including:
 - b. Any determination regarding responsibility and
 - c. Any audio or audiovisual recording or transcript,
 - d. Any disciplinary sanctions imposed on the respondent,
 - e. and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
 - f. Any appeal and the result therefrom;
 - g. Any informal resolution and the result therefrom;
 - h. Training materials used to train Title IX Coordinators, investigators, hearing officers, appellate officers, and any person who facilitates an informal resolution process will be made available on the University website.
 - i. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual misconduct.
 - j. The basis for its conclusion that its response was not deliberately indifferent.
 - k. Actions taken that were designed to restore or preserve equal access to the recipient's education program or activity.
 - l. 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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