

Guide to Understanding the Title IX Process

University of Missouri System

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The University of Missouri System complies with Title IX, which states in part that “[n]o person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.”



All University of Missouri students, employees (faculty and staff), volunteers and visitors are prohibited from engaging in sexual harassment in a University education program or activity against a person in the United States under Title IX. The University of Missouri does not discriminate on the basis of sex in any education program or activity that it operates. To that end, the University is committed to affording equal employment and education opportunities to its employees and students, and to creating an environment free from discrimination and harassment.

The information listed in this guide pertains to Title IX sexual harassment alleged to have occurred on or after August 14, 2020, as per CRRs [600.020](#) and [600.030](#). For information regarding an incident that occurred prior to August 14, 2020, please contact your Title IX Coordinator.

Introduction

If you involved in a Title IX sexual harassment case, you might be feeling upset, confused, angry, or overwhelmed. If you are the Complainant, that means that you believe that someone has subjected you to sexual harassment in violation of Section 600.020 the University of Missouri's sexual harassment under Title IX policy. If you are the Respondent, that means someone has accused you of violating the University of Missouri's sexual harassment under Title IX policy. This guide will hopefully aid in helping you to understand the University's Title IX process and refer you to resources that may be available to you at this time.

As you go through this process, it is important for you to understand the University of Missouri's anti-discrimination policies and procedures. These can be found in [Chapter 600 of the University of Missouri's Collected Rules and Regulations.](#)

There are also several resources available to you as a Party in this process, both on campus and off-campus in your local community that can help address mental, emotional, physical, academic, medical or substance abuse needs. Your university Title IX office can also provide a number of supportive measures to you, from rearranging course or work schedules, providing extensions to deadlines, to altering your university housing. It may tailor the available supportive measures to your needs.

If you reach out for support, it will be important for you to note that some support resources will be confidential while others are not. If you need confidential support, help, or information regarding your specific situation, you may contact an employee with a legal privilege of confidentiality or a confidential designee on campus. Employees with a legal privilege of confidentiality include health care providers, counselors, and their associated staff. A listing of confidential reporting support at your university can be found at: [https://www.umsystem.edu/ums/dei/titleix/reporting incidents](https://www.umsystem.edu/ums/dei/titleix/reporting_incidents). Please take time to consider whether any of these resources would be beneficial for you to utilize at this time.

At any time during this process, you may always reach out to your Title IX office with questions.



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Definitions

Academic Medical Center is the University of Missouri Hospitals and Clinics, and other Academic Medical Centers as may be designated by the University in the future.

Advisor is an individual selected by the Complainant or the Respondent, or if a Party does not have their own Advisor, selected by the University, to conduct all cross-examination and other questioning on behalf of a Party at a hearing; an Advisor may, but is not required to, be an attorney.

Complainant refers to the person alleged to have been subjected to sexual harassment in violation of the University's Title IX policy.

Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent or withdrawal of consent may be communicated by words or non-verbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Coercion and force, or threat of either, invalidates consent.

Dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

Formal Complaint means a written document filed by a Complainant or signed by a Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Incapacitation occurs when a person is in a state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness or illness. Consent does not exist when the Respondent knew or should have known of the other individual's incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication but intoxication can cause incapacitation. Sexual contact with someone one knows to be or should know to be incapacitated is a violation of policy.

Definitions (continued)

Respondent refers to the individual reported to have committed an act of sexual harassment in violation of the University's Title IX policy.

Retaliation is any adverse action taken against a person because of that person's participation in or refusal to participate in the Title IX process. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX policy.

Sexual assault means any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, as those terms are defined in [CRR 600.020](#).

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

1. *Quid Pro Quo*: An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. *Hostile Environment*: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
3. "Sexual Assault," "Dating Violence," "Domestic Violence," or "Stalking" (see definitions).

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Support Person refers to an individual selected by a Party to accompany the Party to all meetings and interviews to provide support for the Party throughout the Title IX Process; Support Persons may not directly participate in the Title IX Process unless also serving as a Party's Advisor.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or 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.

Title IX prohibits discrimination on the basis of sex, pregnancy, gender identity, or gender expression. Prohibited conduct includes sexual harassment, which includes sex or gender discrimination, sexual assault, dating violence, domestic violence and stalking. All University of Missouri students, employees (faculty and staff) and visitors are protected under Title IX.

What is the Process?

To make a report:

- Any person (whether or not the person reporting is the Complainant) may report sexual harassment to their University Title IX Coordinator. Such reports may be made in person, or at any time by mail, by telephone, by e-mail, or any other means that would result in the Title IX Coordinator receiving the person's verbal or written report.
- The report might be made to the University Title IX office alone or also to law enforcement. It is always the Complainant's choice on whether or not to make a report to a law enforcement agency. The University can provide assistance to individuals wishing to pursue legal remedies, such as providing assistance to make a police report or requesting an order of protection.
- Upon receipt of the report, the Title IX Coordinator will contact the Complainant to discuss the availability of supportive measures and to explain and discuss the Title IX process.

Filing a Formal Complaint:

- A Complainant may file a Formal Complaint with the Title IX Coordinator, which is a document alleging sexual harassment against a Respondent and requesting that the University investigate the allegations. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity of the University in the U.S.
- Once a Formal Complaint has been received by the appropriate Title IX office, an assigned investigator will initiate the investigating process and also send to the known Parties Notice of Allegations, which will include a description of the Title IX process and a Party's rights throughout the Title IX process, as well as notice regarding the allegations of sexual harassment charged.

Investigation Phases:

It is important to distinguish a Title IX investigation from a criminal investigation. A Title IX investigation is a process created to determine whether or not a university policy has been violated. A Title IX investigation cannot result in incarceration but could result in disciplinary action by the University. A Title IX action may proceed regardless of whether a criminal investigation is pursued or ongoing.

- All investigations will be thorough, reliable and impartial. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University. The Parties may also present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; all such evidence must be relevant.
- The Parties shall be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, in sufficient time for the parties to meaningfully respond to the evidence prior to the conclusion of the investigation.
- The University will also provide each Party the opportunity to review and respond to the Investigator regarding the Investigative Report prior to it becoming final.

What is the Process (continued)?

Resolution Processes

- Each Party may elect to have a support person of their choice present with them for all Title IX process interviews and meetings.
- The Complaint may be resolved by Informal Resolution (Parties both must voluntarily consent this option) or Hearing Panel Resolution* (three-person panel). The University uses a “preponderance of the evidence” standard to determine whether the evidence shows that it is more likely than not that a policy violation occurred. If a finding of responsibility is made, sanctions and/or remedial actions of a varying range may be imposed.

**This process is not available for University Hospital and Clinics; see [CRR 600.030\(R\)](#) for more information about the process followed for an academic medical center.*

- For Hearing Panel Resolution, each Party may have an Advisor of their choice present at the hearing to conduct cross-examination and other questioning for that Party. The Advisor, may be, but is not required to be, an attorney. If a Party does not have an Advisor of their choice present at the hearing, the University will provide, without fee or charge to that Party, an Advisor of the University's choice to conduct cross-examination and other questioning on behalf of that Party. A Party may not require that the assigned Advisor have specific qualifications such as being an attorney.
- Dismissal of a Formal Complaint (or any of the allegations therein), or findings of responsibilities and sanctions imposed may be appealed by either the Complainant or Respondent for the following reasons:
 1. A **procedural irregularity** that affected the outcome of the matter;
 2. To **consider new evidence** that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
 3. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a **conflict of interest or bias** for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
 4. The **sanctions fall outside the range typically imposed** for this offense, or for the cumulative conduct record of the Respondent.

**Please note that this information is intended to be a general overview of the process.

Retaliation

Retaliation is any adverse action taken against a person because of that person's participation in or refusal to participate in the Title IX process. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

What is the Process (continued)?

Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to notify the Title IX Coordinator. The University will promptly respond to all claims of retaliation in accordance with its policies.

Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student's academic work warrants because the student filed a report or Formal Complaint of sexual harassment; giving lower than justified performance appraisals because a person was a witness in an investigation of alleged sexual harassment; and threatening to spread false information about a person for filing a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed with the Equity Officer in accordance with CRRs 600.010, 600.040, and 600.050.

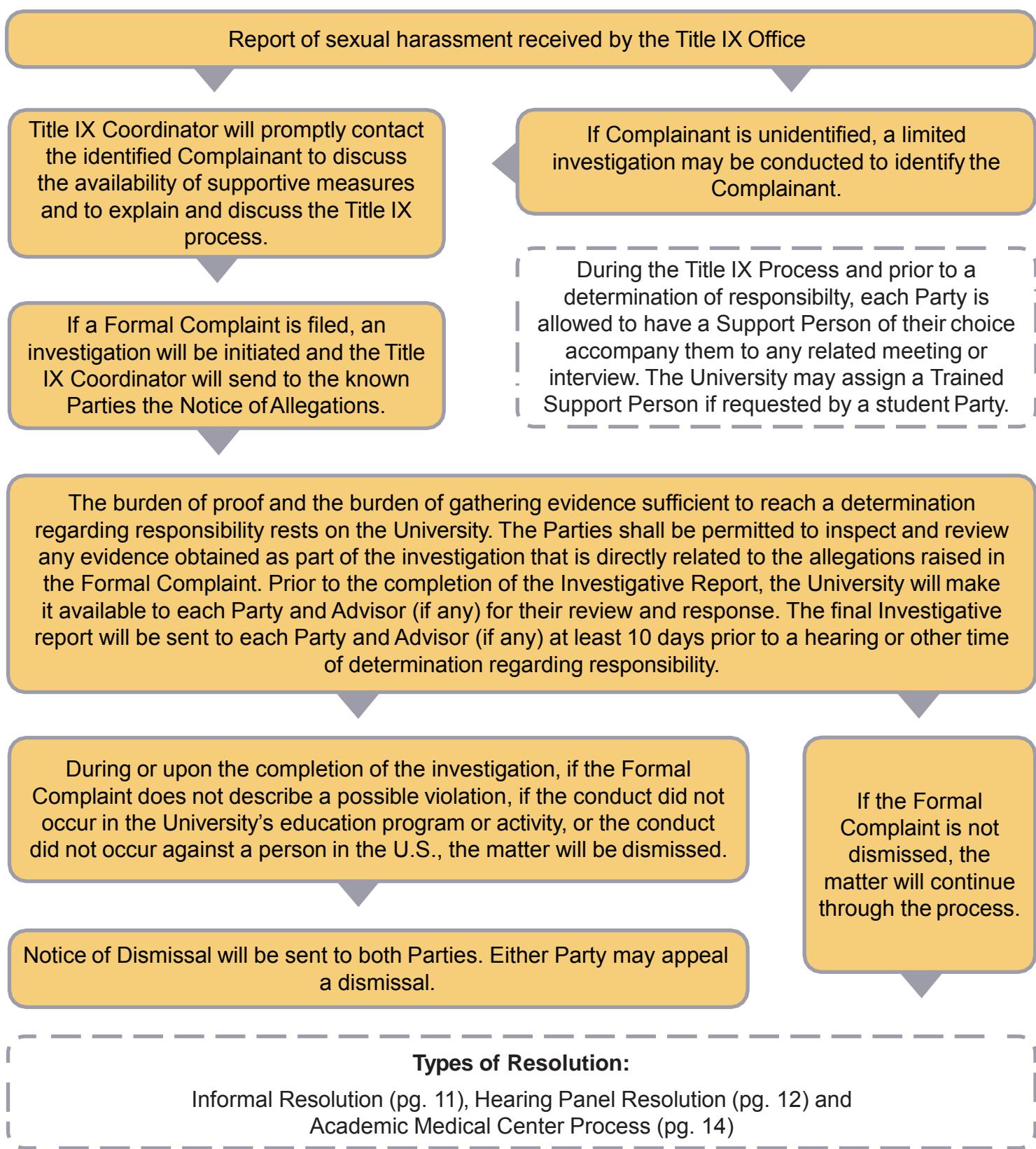
The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

For a full explanation, please refer to the University of Missouri's Collected Rules and Regulations. Here are links to the University of Missouri's current Collected Rules and Regulations:

- [600.010 Equal Employment/Educational Opportunity and Nondiscrimination Policy](#)
- [600.020 Sexual Harassment under Title IX](#)
- [600.030 Resolution Process for Resolving Complaints of Sexual Harassment under Title IX](#)
- [600.040 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization](#)
- [600.050 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Staff Member or the University of Missouri](#)



Title IX Process Flowchart



Title IX Process Flowchart (continued)

Type of Resolution: Informal Resolution

Upon the filing of a Formal Complaint, the Parties may choose to engage in Informal Resolution (i.e., facilitated dialogue, mediation, administrative resolution). Each Party's decision to participate in Informal Resolution must be voluntary, informed, and in writing.

Facilitated Dialogue/Mediation

A neutral, University-assigned facilitator will foster dialogue between the Parties to try to reach a mutually agreed upon resolution, if possible. Failure to abide by the agreed-upon resolution may result in sanctions. If the Parties are unable to reach a resolution, the investigation will be referred to the Hearing Panel Resolution process.

Administrative Resolution

*This process is not available for Academic Medical Centers.
*This process is not available where a student has alleged that an employee sexually harassed the student.

The decision-maker will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations, the investigative report, and evidence provided by the Parties. At any time prior to a final determination being rendered, either Party may request that the Formal Complaint shift to the Hearing Panel Resolution Process.

Each Party may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers will be shared with the requesting party.

The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct.

For any disputed violations, the decision-maker will render a finding utilizing the preponderance of evidence standard.

The decision-maker will also render a finding on appropriate sanctions or remedial actions, if applicable.

Either Party may appeal a decision under Administrative Resolution.

The decision-maker will inform each Party of the finding on the alleged policy violation(s) and sanction(s), if applicable.

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Title IX Process Flowchart (continued)

Type of Resolution: Hearing Panel Resolution

**This process is not available for Academic Medical Centers.*

At least 20 business days prior to the hearing, a Notice of Hearing letter will be sent to the Parties providing specific information about the hearing, including a copy of the final investigative report and exhibits.

In the Notice of Hearing, the Parties will be given the names of each of the Hearing Panel members and must raise any objection to any panelist at least 15 business days prior to the hearing.

At least 10 business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.

The Hearing Officer shall preside at the hearing, and together with other Hearing Panel members may ask questions of the Parties or any witnesses including the Investigator at any time during the hearing.

The Complainant will proceed first and may give a verbal statement of their allegations of sexual harassment against the Respondent, and then be subject to cross-examination by the Advisor of the Respondent and questions of the hearing panel. The Complainant may also call witnesses who will be subject to questioning by the Advisor of the Complainant, questioning by the Hearing Panel and cross-examination by the Advisor of the Respondent. The Complainant may also submit documentary evidence.

Next, the Respondent may give a verbal statement in response to the allegations of sexual harassment made by the Complainant, subject to questions by the Hearing Panel and cross-examination by the Advisor of the Complainant. The Respondent may also call witnesses who will be subject to questioning by the Advisor of the Respondent, questioning by the Hearing Panel, and cross-examination by the Advisor of the Complainant. The Respondent may also submit documentary evidence.

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This flowchart is intended to provide a general overview. A full explanation of the resolution process can be found in the policy available in [CRR 600.030](#)

Title IX Process Flowchart (continued)

The Investigator will then be available to answer questions of the Hearing Panel, subject to cross-examination by the Advisors of the Complainant and the Respondent. The Investigator may also call witnesses who will be subject to questioning by the Hearing Panel, and cross-examination by the Advisors of the Complainant and Respondent. The Investigator may also submit documentary evidence.

The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to determine whether or not the Respondent is responsible for the policy violation(s) in question. The panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the panel, the panel will determine appropriate sanctions and remedial actions by a majority vote.

The Hearing Officer will prepare a written determination ("Hearing Panel Decision") and deliver it to the Title IX Coordinator within five (5) business days of the end of deliberations.

The Title IX Coordinator will inform each Party of the finding(s) on the alleged policy violation(s) and sanction(s), if applicable, within five (5) business days of receipt of the hearing panel decision. Notification to each Party will be made in writing.

Either Party may appeal the finding(s) and sanction(s) by submitting a request to the Equity Resolution Appellate Officer within 5 business days of the delivery of the notice of the hearing panel decision.

Title IX Process Flowchart (continued)

Type of Resolution: Academic Medical Center (AMC) Process

At least 15 business days prior to the initial meeting with the decision-maker, a Notice of AMC Meeting letter will be sent to the Parties providing specific information about the allegations, applicable policies/procedures, information regarding upcoming AMC meeting, and a copy of the investigative report and exhibits.

At least 10 business days prior to the initial AMC meeting, each Party shall provide to the Title IX Coordinator all objections in writing to the named decision-maker.

At least 10 business days prior to the initial AMC meeting, each Party may provide the decision-maker with written, relevant questions the Party wants asked of any Party or witness.

At least 5 business days prior to the initial AMC meeting, the decision-maker will provide each Party with the answers, and allow for additional, limited follow-up questions from each Party. The Parties may also provide documentary evidence.

Decision-maker will meet separately with each Party and all meetings between the decision-maker and the Parties and/or witnesses shall be recorded.

The decision-maker must issue a written determination regarding responsibility within 10 business days of the last meeting with any Party or witness.

Finding(s) and sanction(s) are subject to appeal.

What are my rights during this process?

What are my rights as a Party in this Process?

All Parties involved will be treated equitably. A Party has a right:

- To be treated with respect by University officials.
- To be free from retaliation.
- To have access to University support resources (such as counseling and mental health services and University health services).
- To request a no contact directive between the Parties.
- To have a Support person of the Party's choice accompany the Party to all interviews and meetings (excluding hearings) throughout the Title IX Process.
- To refuse to have an allegation resolved through the Informal Resolution Processes.
- To receive prior to a hearing or other time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
- To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- To have Formal Complaints heard in substantial accordance with the processes outlined in Section 600.030 of the UM System Collected Rules and Regulations.
- To receive written notice of any delay of this process or limited extension of time frames for good cause which may include considerations such as the absence of a Party, a Party's Advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- To be informed of the finding, rationale, sanctions and remedial actions.
- To report the matter to law enforcement (if applicable) and to have assistance in making a report to law enforcement.
- To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint, and appeal the determination of a Hearing Panel or other decision-maker.
- To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint, and appeal the determination of a Hearing Panel or other decision-maker.



What are my rights during this process?

Additional Rights for Students:

- To request reasonable housing, living and other accommodations and remedies consistent with [Section 600.030.H](#) of the Collected Rules and Regulations.
- To receive amnesty for minor student misconduct that is related to the incident, at the discretion of the Title IX Coordinator.

Additional Rights for all Parties during the Hearing Panel Resolution Process:

- To receive notice of the hearing.
- To have the names of witnesses who may participate in the hearing and copies of all documentary evidence gathered in the course of the investigation and any investigative report prior to the hearing.
- To be present at the hearing, which right may be waived by either written notification to the Hearing Officer or by failure to appear.
- To have present an Advisor during the hearing and to consult with such Advisor during the hearing, and to have the Advisor conduct cross-examination and other questioning on behalf of the Party at the hearing.
- To have an Advisor of the University's selection appointed for a Party where the Party has no Advisor of their own choice at a hearing.
- To testify at the hearing or refuse to testify at the hearing; however, if a Party or witness fails to submit to cross-examination at the hearing, the Hearing Panel shall not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Panel shall not draw any inference about the determination regarding responsibility based solely on a party's or witness's failure to submit to cross-examination.
- To have an equal opportunity to present and question witnesses, including fact and expert witnesses, and present relevant evidence.
- To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.

Additional Rights for Academic Medical Center Process:

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

What resources are available to me?

Under Title IX, both the Complainant and the Respondent have the right to a fair and equitable adjudication process. During this process, the Title IX Coordinator and staff can answer any questions you may have about your rights and responsibilities. The Title IX office can help direct you to other resources both on and off campus that may be helpful to you in your situation, as well as help you make special arrangements for you depending on your particular situation.

For more information about Title IX generally, see www.umsystem.edu/ums/dei/titleix

For Frequently Asked Questions about Title IX, see www.umsystem.edu/ums/dei/titleix/faqs

For various links to national, state and local community resources, see www.umsystem.edu/ums/dei/titleix/resources

For confidential support resources, see https://www.umsystem.edu/ums/dei/titleix/reporting_incidents



University of Missouri Title IX Offices



Office for Civil Rights and Title IX

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