 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 12/14	Revision Date:	Page: 1 of 1
		Classification Code: 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

GENERAL STATEMENT OF POLICY

Southeast Missouri State University is committed to fostering a safe, healthy and civil learning and working environment that is free from all forms of discrimination based on sex/gender, and to promoting an environment of personal integrity and mutual respect for all members of the University community. The goals of this policy are to prevent all forms of sex discrimination, to promptly address and remedy such discrimination if it occurs, and to prevent its recurrence.


It is the policy of Southeast Missouri State University to comply with Title IX of the Education Amendments Act of 1972, which states that “No 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 program or activity receiving federal financial assistance.” Title IX and this policy prohibit all forms of discrimination based on sex, sexual orientation and gender identity, including sexual harassment and sexual misconduct/sexual violence. Retaliation against any member of the University community who has reported or asserted a claim regarding such conduct or who assists in making or investigating any such claims is also prohibited and is considered a serious violation of this policy and Title IX.

The prohibition in Title IX and this policy against any form of sex/gender discrimination applies to all students, administrators, faculty and staff, applicants for employment and admission, and to third party visitors to the campus. It extends to all aspects of the University’s educational programs and activities, including, but not limited to, admission, employment, athletics, academics, housing, and student financial aid programs.

The University will maintain complaint resolution procedures implementing this policy in compliance with Title IX, will promptly investigate all complaints of sex discrimination, sexual harassment and sexual misconduct/sexual violence, will take appropriate steps to provide prompt and equitable resolution, and with due respect for the rights of all concerned. If it is determined that a violation of this policy has occurred, the University will take effective remedial action, and will take steps to provide support and resources, as appropriate, to address the effects of the conduct.

The University will maintain complaint resolution procedures implementing this policy in compliance with Title IX, will promptly investigate all complaints of sex discrimination, sexual harassment and sexual misconduct/sexual violence, will take appropriate steps to provide prompt and equitable resolution, and with due respect for the rights of all concerned. If it is determined that a violation of this policy has occurred, the University will take effective remedial action, and will take steps to provide support and resources, as appropriate, to address the effects of the conduct.

The Assistant to the President for Equity & Diversity and Dean of Students shall be responsible for issuing and maintaining operating procedures to implement this policy.

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 1 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

PROCEDURES

The following are procedures for reporting and addressing Title IX Compliance: Claims of sexual discrimination, sexual harassment, sexual misconduct/sexual violence by Southeast Missouri State University Employees and third parties.


INTRODUCTORY STATEMENT

Southeast Missouri State University, including its officers and its employees, is responsible for maintaining a working and learning environment free from sexual harassment. The administration is responsible for making widely known that sexual harassment is prohibited both legally and by this policy, and that appropriate procedures for dealing with allegations of sexual harassment are available. Students, staff, faculty, and administrators should know that the University is concerned about such behavior and is prepared to take preventive and corrective action, and also that individuals who engage in such misconduct are subject to appropriate disciplinary action, which may range from reprimand to suspension or dismissal. The severity of the action depends on the severity, frequency, or repetition of the violation. University administrators who do not respond to sexual harassment complaints brought to their attention are in violation of this policy. Reprisal or retaliation against an individual for making a complaint of sexual harassment, or for using or participating in the informal or formal complaint process, is a violation of University policy, and any such action is cause for disciplinary action.

Sexual misconduct and sexual violence are severe and egregious forms of sexual harassment that are never acceptable, and which will not be tolerated. Acts of sexual misconduct/sexual violence may violate not only Title IX and University policy, but applicable criminal laws. The University is committed to taking prompt and effective action to address sexual misconduct/sexual violence when it occurs, taking steps to prevent its recurrence, and making assistance, support and resources available to victims of such conduct to remedy its effects.

This procedure applies to all members of the University community. It provides information and guidance about reporting claims of sexual misconduct and sexual violence by employees and third-party visitors to the campus and sets forth complaint resolution procedures for addressing reports and complaints alleging sexual misconduct/sexual violence by employees and third parties.

Members of the university community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic/intimate partner, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. If the University receives notice of sex/gender harassment, sexual discrimination, sexual violence, or when an allegation of other forms of sexual misconduct are brought to the attention of the Office of Institutional Equity and Diversity, the University's Title IX Coordinator or any other appropriate school designee, all reasonable steps to respond will be taken and all relevant details about the alleged misconduct which has been reported will be investigated. Protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including imposing the appropriate sanctions when a responding party is found to have violated this policy. This policy has been

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 2 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

The university's Title IX, sexual harassment, sexual discrimination, sexual misconduct/sexual violence or other associated anti-harassment, nondiscrimination policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by freedom of speech or academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

APPLICABILITY OF COMPLAINT RESOLUTION PROCEDURES:


The university uses the reasonable person standard as a standard for proof of whether a policy violation has occurred. During a university investigative procedure, the Office of Institutional Equity and Diversity, the University's Title IX Coordinator and/or the appropriate University designee, will take into account the totality of all the available evidence, from all relevant sources.

These Procedures will be used to investigate and resolve all complaints of sex/gender discrimination, harassment sexual misconduct/violence against Southeast Missouri State University (SOUTHEAST) faculty and staff members, students, administrators, applicants for employment and admission, and to third party visitors to campus, as appropriate. For purposes of the University's Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence Policy and these Procedures as listed under the University's Business Policy and Procedures Manual Classification Code 01-02 and administered by the [Office of Institutional and Equity and Diversity](#). The prohibition in Title IX and this policy extends to all aspects of the University's educational programs and activities, including, but not limited to, admissions, employment, athletics, academics, housing, and student financial aid programs. Complaints of sexual misconduct against Southeast students by other Southeast students will be investigated and resolved using the University's [Code of Student Conduct](#) and administered by the Office of Student Conduct and the Office of the Dean of Students.

All other complaints of discrimination or harassment against faculty and staff members, including but not limited to those based on race, ethnicity, religion, national origin, sex, sexual orientation, gender identity, age, genetic information, disability, or protected veteran status, may be resolved using the University's [NONDISCRIMINATION](#) Business Policy and Procedure, Classification Code 01-03, and the [ANTI-HARASSMENT](#) Business Policy and Procedure, Classification Code 03-05.

Criminal Proceedings:

The filing and processing of a complaint related to Title IX compliance, sexual harassment, sexual discrimination, sexual misconduct or sexual violence is separate from and independent of any criminal investigations or proceedings which may occur. Southeast Missouri State University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation, although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's decision whether to prosecute a respondent nor the

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 3 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

outcome of a criminal prosecution is determinative of whether sexual misconduct occurred under the University's Title IX, sexual harassment, sexual discrimination, sexual misconduct/violence policy.

Adviser:

The complainant and respondent may each choose and be accompanied to any meeting or interview related to these Procedures by an Adviser, who may provide support during such meeting or hearing. During meetings and interviews, the Adviser may quietly confer or pass notes with the party in a non-disruptive manner. The Adviser may not intervene in a meeting or interview, or address the Investigator. Consistent with the University's obligation to promptly resolve sexual misconduct complaints, the University reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected Adviser.

Declining to Participate:

A complainant may decline to participate in the investigative or complaint resolution process. The University may continue the process without the complainant's participation.

Time Frame for Complaint Resolution:


The University will seek to resolve every report of sexual misconduct within sixty (60) to ninety (90) working/calendar days of the start of an investigation, not counting any appeals. Time frames may vary depending on the complexity of a case and the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.

Prohibition Against Retaliation:

It is a violation of the University's Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy to retaliate against any person who files a complaint, investigates, counsels, or otherwise assists or provides information to this policy and its procedures and/or the filing of a complaint under this policy will be free from any retaliation, restraint, coercion, interference, or reprisal for having done so. Any person who retaliates against a person for reporting sexual misconduct, filing a sexual misconduct complaint, or participating in a sexual misconduct investigation will be considered in violation of this policy and will be subject to disciplinary action up to and including termination by the University independent of whether a complaint of sexual harassment, formal or informal, is substantiated. Encouraging others to retaliate also is a violation of this policy.

Notice:

The Office of Institutional Equity and Diversity, the Title IX Coordinator, and/or the appropriate University designee, will give the complainant and respondent, respectively, an explanation of their rights and options, and as appropriate, any available accommodations, as soon as possible after a complaint is reported. The Office of Institutional Equity and Diversity will also ensure that both the complainant and

 <p>SOUTHEAST MISSOURI STATE UNIVERSITY · 1873</p>	<p align="center">BUSINESS POLICY AND PROCEDURE MANUAL</p>	Date Issued: 7/19	Revision Date:	Page: 4 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE				

respondent are updated throughout the investigative process, including with timely notice of meetings where either the complainant’s or the respondent’s presence may be required. The complainant and respondent will be simultaneously provided with written notice of the results of any investigation including whether there has been a violation of the University’s Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence Policy. The Office of Institutional Equity and Diversity or the appropriate University designee will also inform the complainant of any sanctions imposed on the respondent that directly relate to the complainant, and any other steps the University has taken to prevent recurrence of the misconduct.

RIGHTS OF THE COMPLAINANT AND RESPONDENT


The procedures for the investigation, adjudication, and resolution of Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy complaints brought against faculty, staff, and third parties are designed to be accessible, prompt, fair, and impartial. Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- Privacy to the extent possible, consistent with applicable law and University policy.
- Information about the University’s Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence Policy.
- A prompt and thorough investigation of the allegations.
- Notification, in writing, of the case resolution, including the outcome of any appeals.

To report the incident to law enforcement (including the Department of Public Safety or the police department in the jurisdiction in which the sexual misconduct occurred) at any time.

INITIATING A COMPLAINT

Any person who believes they have experienced sex/gender discrimination or sexual harassment or sexual violence, as defined in the University’s Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence Policy, may file a complaint against the SOUTHEAST University faculty or staff member, or third party affiliate for that conduct (the person filing a complaint is referred to as a “complainant”). A person who has information that a University faculty or staff member, or third party-affiliate may have committed sexual misconduct or violated the Title IX policy may also file a complaint (the person filing the complaint is referred to as a “reporter”). A complainant or reporter may include any member of the Southeast Missouri State University community, including students, faculty, administrators, staff members, visitors, applicants for employment or admission, participants in a SOUTHEAST program or activity, or a non-affiliate with knowledge of an incident of sexual misconduct.

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 5 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

INTERIM MEASURES


Upon the filing complaint or notice of a possible policy violation, the Office of Institutional Equity and Diversity (*the Title IX Coordinator*) will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. An individual's failure to comply with restrictions imposed by interim measures is a violation of University Policy and a basis for disciplinary action, up to and including termination of employment. The range of interim measures may include, but not be limited to:

- Adjusting the complainant's or respondent's work schedule, assignment, or location for University employment.
- Changing the complainant's academic schedule, allowing the complainant to take an incomplete in one or more courses, allowing the complainant to drop (or retake) a course without penalty, or attend class via web conference.
- Allowing the complainant to withdraw from or retake a class without penalty or extending deadlines for examinations or other assignments.
- Providing access to tutoring or other academic support.
- Putting the respondent on paid administrative leave until the conclusion of the investigation.
- Issuing an administrative "no contact" order.

REQUESTS FOR CONFIDENTIALITY AND PRIVACY

Every reasonable effort will be made to protect the privacy of all parties during the investigation, consistent with and subject to the University's obligation to investigate and resolve the complaint. Complainants who prefer to discuss an incident of sexual misconduct confidentially such that an investigation will not be initiated, may do so by utilizing the Employee Assistance Program (EAP) via the Human Resources Office or by visiting the website: <http://www.Southeast.edu/hr/benefits/index.html>. If the complainant reports an incident of sexual misconduct to any other campus resource and requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will, generally before taking any further investigative steps, evaluate the complainant's request, as set forth in the Title IX, Sexual harassment, sexual discrimination, sexual violence/misconduct policy. The evaluation will be conducted by the Title IX Coordinator in consultation with the appropriate University designee(s) (**Executive Staff/University administrators**) as deemed necessary and appropriate under the circumstances.

Even absent a request for confidentiality, every reasonable effort will be made to protect the privacy of all parties during the investigation. SOUTHEAST University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information to carry out their duties and responsibilities. Any University personnel participating in an investigation, proceeding, or hearing will be informed that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 6 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

HOW TO INITIATE A COMPLAINT

Any person who believes they have been subjected to sexual harassment, sexual discrimination, sexual misconduct/violence may elect to proceed informally by bringing the complaint directly to the attention of an appropriate administrator, or by [filing a complaint or Incident Report](#) with the Office of Institutional Equity and Diversity or the Title IX Coordinator. The Title IX Coordinator is considered to be a trained and objective University designee who is there to assist individuals or potentially injured persons in deciding if and how to proceed and in carrying out that decision. An individual who elects initially to proceed informally may thereafter elect at any stage to file a formal complaint. A complainant or reporter may submit a formal grievance, in person or via a paper or electronic format. Although the Incident Report Form should be as specific as possible regarding the conduct that precipitated the complaint, it need not reflect every detail related to the allegations in the complaint, as additional information may be discovered during the investigation.

A complainant may also call or meet with the Title IX Coordinator, the Title IX Investigator, a Deputy Title IX Coordinator, or the Human Resources Office to initiate a complaint. The university's Title IX Coordinator oversees compliance with all aspects of Title IX, sex/gender harassment, discrimination and sexual violence/misconduct policy. The Title IX Coordinator reports to the President of Southeast Missouri State University, Dr. Carlos Vargas and is housed in the Office of Institutional Equity and Diversity in 011 Academic Hall. Questions about this policy should be directed to the Title IX Coordinator in person, via email at equityissues@semo.edu, or via the [OIED website](#).

Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the university Title IX Coordinator:

Title IX Coordinator:


For complaints against faculty, staff or third-party affiliates:

Sonia R. Rucker

Assistant to the President for Equity & Diversity, Title IX Coordinator/Dean of Students
Office of Institutional Equity and Diversity
011 Academic Hall, MS 3375
Cape Girardeau, MO 63701
Office: (573) 651-2524
Email: equityissues@semo.edu

Trae Mitten

Title IX/Civil Rights Investigator/Assistant Dean of Students
Office of Institutional Equity and Diversity
010A Academic Hall, MS3375
Cape Girardeau, MO 63701
Office: (573) 651-2524
Email: lrnitten@semo.edu

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 7 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

Additionally, reports can be made by University community members, victims and/or third parties using the online reporting form posted at <http://www.semo.edu/equityissues/titleix>. Note that these reports may be made anonymously and that any reports may prompt a need for the institution to investigate.

Office of Student Conduct – Assistant Dean of Students

If you are a student and have a complaint against another Southeast student for sexual harassment, sex discrimination, or sexual assault, you should contact the Office of Student Conduct. The Associate Dean of Students is responsible for Title IX compliance in matters involving students, including training, education, communication, investigation, and administration of the grievance procedure for all complaints against Southeast students.

Dr. Randy Carter

Associate Dean of Students
University Center 422, MS1500
Cape Girardeau, MO 63701
Office: (573) 651-2264
Email: lrcarter@semo.edu


Office of Civil Rights

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Inquiries concerning the application of Title IX also may be referred to the United States Department of Education’s Office for Civil Rights. For further information on notice of nondiscrimination, visit <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm> and for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481. The State of Missouri regional Office of Civil Rights is located in Kansas City and is available to provide assistance.

Office for Civil Rights

U.S. Department of Education
One Petticoat Lane
1010 Walnut, 3rd Floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599
TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov.

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 8 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE				

Other:

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to:

Dr. Carlos Vargas
Office of the President
One University Plaza, MS3300
Academic Hall 144
Cape Girardeau, MO 63701
Email: president@semo.edu.

Additional Resources:

Sexual Assault

To file a complaint of sexual assault, you may contact on the offices above, depending on who the complaint is against (faculty/staff, visitor or student) and you may contact:

[Department of Public Safety \(On-campus Reporting\)](#)
1401 N Sprigg St
(573) 651-2215
dps@semo.edu

[Cape Girardeau Police Department \(Off-campus Reporting\)](#)
40 S Sprigg St
911 or (573) 335-6621
police@cityofcapegirardeau.org


INVESTIGATION OF A COMPLAINT:

Investigator

The Title IX Coordinator will investigate or designate the Title IX/Civil Rights Investigator (a staff member in the Office of Institutional Equity & Diversity) specifically trained in sexual misconduct investigations to conduct a prompt, thorough, and fair investigation of any sexual misconduct complaint against a University faculty or staff member, or third-party affiliate.

Investigation Process

The investigation may involve one or more meetings with the complainant and respondent, interviewing witnesses, reviewing other relevant evidence, requesting written statements from the parties, informing the respondent of the allegations and/or providing to that person a copy of the complainant's statement. Before any adverse determination is made, the respondent will be informed as to the nature of the complaint, and will have the opportunity to respond. The respondent will also be advised of the University's strict prohibition against retaliation.

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 9 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

1) Standard of Proof

In resolving complaints pursuant to the Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy, the University will use a “preponderance of the evidence” standard, which is whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the respondent violated the Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence Policy.

2) Investigation Finding

At the conclusion of the investigation, the Investigator will prepare a report (the “Investigative Report”) summarizing and analyzing the relevant facts determined through the investigation, with reference to any supporting documentation or statements.

The final Investigative Report will provide a summary of the Investigator’s impressions, including context for the evidence, and will make a determination as to whether the respondent’s conduct violated the Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy. The Investigative Report will then be provided to the Provost (if a faculty member), or relevant division Vice President (if a staff member).


After review of the Investigative Report, the Provost or relevant Vice President will, if a violation of the Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy has been found, make a final determination as to the appropriate disciplinary sanction for the respondent’s violation of the Sexual Misconduct/Title IX Policy. Prior to any disciplinary action, the respondent shall be afforded an appeal, as described in the appeals section.

Sanctions

If the Respondent is found responsible for a violation of the University’s Title IX, Sexual Harassment, Sexual Discrimination, Sexual Misconduct/Violence Policy, the Title IX Coordinator will recommend sanctions to the Provost and/or relevant Vice President who will determine whether to apply the recommended sanctions and remedial actions.

A. Factors Considered when Finding Sanctions/Remedial Actions include but are not limited to:

- a. The nature, severity of, and circumstances surrounding the violation.
- b. The disciplinary history of the Respondent.
- c. The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation.
- d. The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
- e. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 10 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

B. Types of Sanctions

The following sanctions may be imposed upon any University employee found to have violated the University's Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence Policy. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:

- Warning – Verbal or Written
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Loss of Annual Pay Increase
- Loss of Supervisory Responsibility
- Recommendation of discipline, including recommendation of termination, suspension, non-renewal of appointment, or other corrective or remedial actions
- Suspension without pay (while the appeal is pending this is a suspension with pay)
- For Regular, Tenured Faculty, suspension without pay (while the appeal is pending, but not for the duration of the dismissal for cause proceedings, this is a suspension with pay), removal from campus and referral to the President to initiate dismissal for cause.

Preservation of Records

A confidential record of all complaints, including their disposition, will be maintained by the Title IX Coordinator and the Office of Institutional Equity and Diversity.


APPEALS PROCESS

The respondent has the right to appeal the sanction(s) imposed by the Provost or the relevant division Vice President.

The University's determination as to whether the respondent's conduct violated the Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence. Therefore, an appeal is available only on the following grounds:

1. The disciplinary sanction imposed is disproportionate to the violation of the Title IX Compliance, Sexual Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Violence policy and/or
2. The discovery of new, relevant evidence, that was unavailable to the appealing party during the investigation that could reasonably affect the outcome of the case.

Any appeal must be in writing and should be filed with the President's Office within ten (10) calendar days of the date of receipt of the Provost's, or relevant Division Vice President's final decision. The

 SOUTHEAST MISSOURI STATE UNIVERSITY · 1873	BUSINESS POLICY AND PROCEDURE MANUAL	Date Issued: 7/19	Revision Date:	Page: 11 of 11
		Classification Code: OP 01-02		
		Section: ADMINISTRATION		
		Subject: TITLE IX COMPLIANCE, SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL MISCONDUCT/SEXUAL VIOLENCE		

President will have twenty (20) calendar days to make a final decision on the appeal. The President may extend his final decision under extenuating circumstances. Once the President has reviewed and rendered a decision on an appeal, it will be final.