

Investigation Process

Collected Rules and Regulations 600.030, 600.040, 600.050

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Learning Objectives

- The presentation will provide overviews of:
 - What occurs before, during, and after an investigation into concerns of discrimination and/or harassment (as outlined in CRRs 600.030, 600.040, 600.050);
 - Resolution processes available to resolve Complaints of discrimination and/or harassment;
 - Your responsibilities as a hearing panelist;
 - The appeal process



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Preliminary Actions

CRRs [600.030](#), [600.040](#), [600.050](#)

- Making a report
 - Any person can make a report to the Title IX Coordinator/Equity Officer
 - Mandated reporters **MUST** make reports of alleged discrimination and/or harassment to the Title IX Coordinator/Equity Officer
- Preliminary Contact/Assessment
 - Supportive Measures
 - Non-disciplinary, non-punitive, and reasonable
 - Provide information on how to file a Complaint
 - Preliminary assessment to determine appropriate process
- Filing a Complaint
 - Begins an investigation
- Notice of Allegations
 - Written notice to the known parties



Investigation

- Equity Officer/Title IX Coordinator will assign a trained investigator(s)
- The burden of proof (preponderance of the evidence) and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University
 - Investigators are not law enforcement officers
 - Investigators do not have subpoena powers
 - Panelists will have access to all available evidence
- The Parties are not prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence
- The Parties may be accompanied to any related meeting or interview by a Support Person of their choice
 - This can be an attorney
- The final investigative report will fairly summarize the relevant evidence
- All investigations will be thorough, reliable, impartial, and objective
 - It is not the Investigator's role to disprove or prove an allegation; their role is to gather facts and evidence
- All interviews shall be recorded



Options for Resolution

- Dismissal/Summary Determination
 - Shall be dismissed vs. may be dismissed
 - Sufficient basis to proceed vs. insufficient basis to proceed
 - Request for appeal/reconsideration available
- Mediation/facilitated dialogue
 - Mutually voluntary, Informed, and in writing
 - Never available to resolve allegations that an employee sexually harassed a student
 - Either party can withdraw from the process at anytime
 - Conclusion of process is not appealable
- Administrative Resolution
 - Single decision-maker model
 - Exception: Dual-decision model for staff and university entities for non-Title IX matters
 - Final determination may be appealed



Options for Resolution Continued...

- Hearing Panel Resolution
 - Available for all Title IX matters
 - Available for faculty and student non-Title IX matters
 - Hearing Officer + two members from the Hearing Panelist Pool
- Role of Hearing Panelists
 - Shall not have a conflict of interest or bias
 - Avoid pre-judgement
 - Serve Impartially
 - Ask questions of the parties and witnesses
 - Relevancy of evidence offered at the hearing will be determined by the Hearing Officer
 - Deliberate and make a finding; determine sanctions, if appropriate



Options for Appeal

- **Grounds for appeal** are limited to the following:
 - A procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures, etc.);
 - 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;
 - The Equity Officer, 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
 - The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Respondent.



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Questions?



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