

**RESOLUTION AGREEMENT**  
**UNIVERSITY OF MISSOURI – KANSAS CITY**  
**OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07122058**

The University of Missouri – Kansas City<sup>1</sup> (University), Kansas City, Missouri, and the U.S. Department of Education Office for Civil Rights(OCR) entered into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR’s *Case Processing Manual* in order to resolve the allegation of discrimination based on gender against the University in OCR Docket Number 07122058, and to ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code § 1681 *et seq.*, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 106. Prior to and during the course of OCR’s investigation of the complaint, the University submitted to OCR and stated it has implemented or is in the process of implementing, a number of policies, procedures and practices to improve its response to sexual misconduct complaints, ensure compliance with Title IX and its implementing regulation and to resolve the issues of the complaint. These include, but are not limited to:

1. Equal Employment/Educational Opportunity Policy, Collected Rules and Regulations of the University of Missouri (hereafter CRR) 320.010  
[http://www.umsystem.edu/ums/rules/collected\\_rules/personnel/ch320/320.010\\_Equal\\_Employment\\_Opportunity\\_Program](http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch320/320.010_Equal_Employment_Opportunity_Program)
2. Student Conduct Code and Procedures, CRR 200.010 and 200.020  
[http://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.010\\_standard\\_of\\_conduct](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.010_standard_of_conduct);  
[http://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.020\\_rules\\_of\\_procedures\\_in\\_student\\_conduct\\_matters](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters)
3. Sexual Harassment Policy  
[http://www.umsystem.edu/ums/rules/collected\\_rules/personnel/ch330/330.060\\_sexual\\_harassment](http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.060_sexual_harassment)
4. Grievance Procedures For Faculty, Staff and Students  
[http://www.umsystem.edu/ums/rules/collected\\_rules/grievance/ch370/370.010\\_Academic\\_Grievance\\_Procedure](http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch370/370.010_Academic_Grievance_Procedure);  
[http://www.umsystem.edu/ums/rules/collected\\_rules/grievance/ch380/380.010\\_grievance\\_procedure\\_administrative\\_service\\_support\\_staff](http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch380/380.010_grievance_procedure_administrative_service_support_staff) and  
[http://www.umsystem.edu/ums/rules/collected\\_rules/grievance/ch390/grievance\\_390.010](http://www.umsystem.edu/ums/rules/collected_rules/grievance/ch390/grievance_390.010)

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<sup>1</sup> The University of Missouri – Kansas City is one campus in the University of Missouri.

5. Relationship Policy

[http://www.umsystem.edu/ums/rules/collected\\_rules/personnel/ch330/330.065\\_consensual\\_a\\_morous\\_relationship\\_policy](http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.065_consensual_a_morous_relationship_policy)

6. Positive Work and Learning Policy

[http://www.umsystem.edu/ums/rules/collected\\_rules/personnel/ch330/330.080\\_maintaining\\_a\\_positive\\_work\\_and\\_learning\\_environment](http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.080_maintaining_a_positive_work_and_learning_environment)

OCR has not made a finding of noncompliance and this Agreement has been entered into voluntarily by the University and does not constitute an admission that the University is not in compliance with Title IX and/or its implementing regulation. Accordingly, the University voluntarily agrees to the following to assure that it has an environment and culture in which all students feel safe and well supported, and that it responds promptly and effectively to allegations of sexual harassment and violence (hereinafter referred to as sexual misconduct), in a manner designed to remedy the effects of such misconduct if it should occur and prevent recurrence, consistent with the requirements of Title IX.

## **I. GENERAL PROVISIONS**

This Agreement resolves the allegation in OCR Docket Number 07122058 and does not constitute, nor should it be construed as, an admission by the University of any violation of Title IX or any other law.

This Agreement shall become effective upon the University's receipt of a letter from OCR advising the University that this Agreement resolves the allegation in OCR Docket Number 07122058.

OCR agrees to discontinue its investigation of OCR Docket Number 07122058 based upon the University's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in this case and any other issues identified by OCR during the course of its investigation. Because the University agreed to resolve the complaint before OCR concluded its investigation, this Agreement does not constitute, nor should it be construed as, evidence of factual findings or compliance determinations by OCR.

The University understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that, during the monitoring of this Agreement, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in

compliance with the regulations implementing Title IX which were at issue in this case.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement. As the University completes each resolution provision of Section II of the Agreement, OCR will confirm in writing the University has satisfied that provision and no further action is required with respect to that provision.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

## **II. RESOLUTION PROVISIONS**

### **A. Notice of Nondiscrimination**

1. In September 2012, the University identified the employee designated to coordinate the University's efforts to comply with and carry out its responsibilities under Title IX. By **June 6, 2014**, the University will amend its notice of nondiscrimination to include the name and/or title, address, and telephone number of the Title IX Coordinator.

REPORTING REQUIREMENT: Within 30 calendar days of completion of item II.A.1 above, and prior to publishing the revised notice of nondiscrimination, the University will provide OCR a copy of the revised notice developed pursuant to item II.A.1. for OCR's review and comment. Within 30 days of receiving a copy of the revised notice, OCR will notify the University whether the notice meets the requirements of item II.A.1. or whether further action is necessary to complete the requirements of item II.A.1.

2. Within 120 calendar days after receiving notification from OCR that the revised notice meets the requirements of item II.A.1. above, the University will have begun publishing the revised notice of nondiscrimination in each location where the notice appears, ensuring, at a minimum, that the notice is prominently published in announcements, bulletins, catalogs, applications for employment or admission, and publications of general information published thereafter that the University makes available to participants, beneficiaries, applicants, or employees. In particular, the University should include the notice at the beginning of student and

employee handbooks, on applications for employment and enrollment, and on the home page of the University’s website or include a link on the home page to the notice.

**REPORTING REQUIREMENT:** Within 30 calendar days of completion of item II.A.2., the University will provide OCR documentation demonstrating satisfactory completion of the requirements of item II.A.2. The documentation should include a hardcopy of documents where the notice of nondiscrimination appears if the documents are not available electronically (a copy of the cover or first page of the document and the page where the notice appears may be submitted for large documents such as catalogs and booklets). For documents that are available electronically, the name of the document and the web address where the document can be located may be provided in lieu of hardcopies. For documents that are being revised but are not scheduled to be printed/reprinted within the 120-day period, the University may submit a copy of a schedule identifying the document to be printed/reprinted and the date by which printing of the revised document will be completed.

## **B. Title IX Coordinator**

1. The responsibilities of the University’s Title IX Coordinator will include the following:
  - i. Develop and implement mechanisms to ensure communication and coordination between the Title IX Coordinator and appropriate student services offices on campus—such as Student Conduct, Student Housing, Violence Prevention and Response Project, health, counseling services, and the University Police Department—regarding the University’s responsibilities under Title IX. The purpose of the mechanisms will be to train and keep staff informed about the University’s responsibilities under Title IX, assist with identifying and tracking pertinent trends/patterns on campus, coordinate efforts to address problems, and, through the collection of feedback and other measures, assess the efficacy of the University’s overall response to sexual harassment and misconduct.

**REPORTING REQUIREMENT:** By **July 1, 2014**, the University will provide OCR a copy of the written description of the mechanisms developed in accordance with item II.B.1.i. above and documentation sufficient to demonstrate their implementation such as records of training sessions, meetings, teleconferences, and other gatherings (including a list of the attendees at each gathering), pertinent emails, reports, memoranda, and other documents, and

written descriptions of other activities. The documentation should include a report or other writing describing the steps taken to assess the efficacy of the University's overall response to sexual harassment and misconduct, including the date the assessment was completed, the conclusions reached, and a description of any action steps to be taken.

- ii. Develop written procedures and tools to provide information to individuals who complain about sexual harassment or misconduct and other interested individuals about their Title IX rights, the University's formal and informal grievance processes for addressing complaints of sexual harassment/misconduct, the availability of interim measures during an investigation of a grievance, and the ability to file a complaint with the University's Police Department. Examples of tools the Title IX Coordinator might develop/utilize include handouts, flyers, bulletin boards, email notices, trainings, information tables, etc.

**REPORTING REQUIREMENT:** By **July 1, 2014**, the University will provide OCR a copy of the written procedures and any tools (or a description of the tools) developed in accordance with item II.B.1.ii. above.

- iii. Develop and implement a confidential recordkeeping system for the Title IX Coordinator to monitor the receipt and resolution of reports, inquiries, and/or complaints involving sexual harassment or sexual misconduct of students or potential violations of the student conduct code or honor codes related to sexual harassment or sexual misconduct of students. At a minimum, the system will describe the nature of the sexual harassment/misconduct report, inquiry and/or complaint (including whether it was a verbal or written communication); when and how it was received; the allegation(s); the person(s) involved, including any persons accused and witnesses; the University's response and determination, including dates, disposition, corrective action taken, and the University personnel involved in the investigation and disposition processes; and will include documentary evidence that any aggrieved individual(s) was/were informed of their right to file a complaint with the University's Police Department, if applicable, and their right to file a grievance at any time within the specific time frames pursuant to Section 370.010, 380.010(B)(2), or 390.010(D) (as applicable) of the University of Missouri Collected Rules and Regulations. The Title IX Coordinator will document the requirements of this recordkeeping system and retain

verification that all University personnel responsible for records retention under the system have been trained regarding the system requirements. These records will be kept by the Title IX Coordinator permanently.

**REPORTING REQUIREMENT:** By **June 6, 2014**, the University will provide OCR documentation sufficient to demonstrate completion of the requirements of item II.B.1.iii. above. Such documentation would include, but would not be limited to, a copy of the written requirements of the recordkeeping system, a description how and by whom the recordkeeping system will be maintained (if not already included in the written requirements), and documentation demonstrating who received training regarding the recordkeeping system as well as when, by whom, and through what method the training was provided.

2. By **June 6, 2014**, the University will amend the published information (hardcopy and electronic) about its Office of Affirmative Action to include the name and/or title, address, email address, telephone number, and synopsis of position responsibilities for its Title IX Coordinator.

**REPORTING REQUIREMENT:** Within 30 calendar days of completion of item II.B.2 above, and prior to publishing the amended information about the Office of Affirmative Action, the University will provide OCR a copy of the amended information developed pursuant to item II.B.2. for OCR's review and comment. Within 30 days of receiving a copy of the revised information, OCR will notify the University whether the information meets the requirements of item II.B.2. or whether further action is necessary to complete the requirements of item II.B.2.

3. Within 30 calendar days after receiving notification from OCR that the revised information meets the requirements of item II.B.2. above, the University will publish the revised information on its website and in any hardcopy publication where information about the Office of Affirmative Action notice appears.

**REPORTING REQUIREMENT:** Within 30 calendar days of completion of item II.B.3., the University will provide OCR documentation demonstrating satisfactory completion of the requirements of item II.B.3. The documentation should include a written statement that the amended information is posted on the University's website and a hardcopy of each document where the amended information about the Office of Affirmative Action appears (a copy of the cover or first page of the document and the page where

the notice appears may be submitted for large documents such as catalogs and booklets). For documents that are available electronically, the name of the document and the web address where the document can be located may be provided in lieu of hardcopies. For documents that are being revised but are not scheduled to be printed/reprinted within the 120-day period, the University may submit a copy of a schedule identifying the document to be printed/reprinted and the date by which printing of the revised document will be completed.

### **C. University's Police Department Procedures**

1. By **June 6, 2014**, the University will develop and adopt written procedures requiring the University's Police Department to: a) notify complainants in criminal cases of sexual harassment/misconduct/violence of their right to file a Title IX complaint with the University in addition to pursuing a criminal complaint; b) provide complainants with written information describing the University's Violence Protection and Response Project and the Title IX complaint options afforded by the University's Office of Affirmative Action; and c) provide the University's Title IX Coordinator with timely notice and a synopsis of every sexual harassment/misconduct/violence complaint to the extent permitted by the State of Missouri statute pertaining to release of law enforcement records, Section 610.100, R.S.Mo.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide OCR documentation sufficient to demonstrate completion of the requirements of item II.C.1. above. Such documentation would include, but would not be limited to, a copy of the written procedures developed pursuant to item II.C.1., evidence that the University has adopted the procedures, and a copy of the written information describing the University's Violence Protection and Response Project and the Title IX complaint options afforded by the University's Office of Affirmative Action.

2. By **June 6, 2014**, the University will provide notice, and training if necessary, to all University Police department personnel of the requirements of the procedures developed and adopted pursuant to item II.C.1. above.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide OCR documentation sufficient to demonstrate completion of the requirements of item II.C.2. above. Such documentation would include, but would not be limited to, a written description of the means by which University police department personnel were provided notice of the

procedures adopted pursuant to item II.C.1, including the date notice was provided and the name and title of the individual who communicated the procedures to police department personnel; a copy of any written notice provided to police department personnel; and, if training was conducted, the date(s) and time(s) of the training, the name and title of the trainer, and copies of any training materials used.

**D. University Office of Affirmative Action Procedures Addressing Sex Discrimination and Harassment**

1. The University will revise the formal complaint process effectuated by its Office of Affirmative Action for addressing complaints of sex discrimination and/or harassment (required by the Title IX regulation at 34 C.F.R. § 106.8(b)) to include the following provisions:
  - i. No complainant will be required to have face-to-face interaction with an alleged perpetrator in any informal resolution or mediation involving a complaint of sexual harassment (including sexual misconduct or violence/assault).
  - ii. Designated timeframes for all major stages of the process.
  - iii. The availability of interim measures to protect the parties during the University's investigation of possible sexual harassment. Such interim measures should not disproportionately impact the complainant(s).
  - iv. Assurances that the University will take steps reasonably calculated to stop any sexual harassment, prevent its recurrence, and remedy its effects on those impacted, with examples of the types of remedies available to victims.
  - v. A statement that the University will offer counseling and academic services to any person found to have been subjected to sexual harassment (including sexual misconduct and violence/assault).
  - vi. The assurance of equitable rights to both parties throughout the process, including the right to appeal, if applicable.
  - vii. A complaint that is timely filed under the formal complaint process effectuated by the Office of Affirmative Action will be considered timely filed for purposes of the University's grievance procedures

under Sections 370.010, 380.010(B)(2), and 390.010(D) of the University of Missouri Collected Rules and Regulations.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide OCR a copy of the formal complaint procedures revised pursuant to item II.D.1. above for OCR's review and comment.

2. Within 90 calendar days of written notification from OCR that the revised formal complaint procedures developed pursuant to item II.D.1 above are consistent with the Title IX requirements, the University will adopt and implement the procedures and will provide all faculty, staff, and students with written notice of the formal complaint procedures together with information how to obtain or access a copy of the procedures. At a minimum, the University will provide written notice on its website, through email messages to faculty, staff and students, and in any regularly issued newsletters (in print or online), as well as by any other means the University deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 calendar days of completion of item II.D.2 above, the University will provide OCR documentation sufficient to demonstrate completion of item II.D.2. Such documentation would include, but would not be limited to, copies of the email messages sent to faculty, staff, and students regarding the formal complaint procedures; copies of any newsletters or other publications in which the notice was issued; and a written description of any other means by which the University disseminated the information, including copies of any hardcopy documents containing the information and links to any webpages where the revised formal complaint procedures are located.

3. The University will revise its campus policies and/or develop a policy or policy provision to address and resolve the apparent conflicts and inconsistencies between the requirements/instructions in the following University policies and guidance that address the University's complaint/grievance procedures for addressing student complaints of discrimination and harassment based on sex:
  - i. Sections 4 and 5 of the Office of Affirmative Action *Nondiscrimination, Sexual Harassment and Sexual Misconduct Procedures for Complaint and Investigation Process* that describe the informal and formal complaint processes provided by the Office of Affirmative Action for persons complaining of discrimination or harassment on the basis of sex, among other bases. These procedures direct the complainant to contact the University's affirmative action director

or equal opportunity specialist (also called the equal employment specialist) and require formal complaints of discrimination/harassment to be filed within 180 calendar days from the date of the alleged incident.

- ii. Section D of the *Guidelines on Sexual Harassment* in the University's catalog, which instructs complainants to contact the equal opportunity/affirmative action officer for informal resolution of a complaint of sexual harassment but to follow the provisions of Section 370.010 (faculty) or 390.010 (students) [of the University of Missouri Collected Rules and Regulations] to pursue a formal complaint or grievance of sexual harassment.
- iii. Section 390.010 of the University of Missouri Collected Rules and Regulations, *Discrimination Grievance Procedure for Students*, that, among other provisions, directs students to file all discrimination grievances with the chief student personnel administrator within 180 calendar days of the date of the alleged discriminatory act; defines a complaint as an informal claim of discriminatory treatment that may, but need not, constitute a grievance; and does not mention the Office of Affirmative Action or the informal or formal complaint processes provided by that office to address complaints of discrimination and harassment. Information in paragraph A.4. of Section 390.010 also indicates that, if a student pursues a concern under another University grievance procedure, he/she may not pursue a grievance under Section 390.010; similarly, if the student pursues a grievance under Section 390.010, he/she may not pursue the same matter under any other University grievance or appeal procedure, which suggests the student may not pursue a complaint through the Office of Affirmative Action.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide OCR a copy of the revised campus policies or new policy/policy provision developed pursuant to item II.D.3. above for OCR's review and comment.

- 4. Within 90 calendar days of written notification from OCR that the revised campus policies or new policy/policy provision developed pursuant to item II.D.3 above resolve the conflicts and inconsistencies in the University's policies and guidance regarding complaint/grievance procedures for addressing complaints of sex discrimination and harassment, the University will adopt and implement the revised policies, or new policy/policy provisions, and will provide all faculty, staff, and students with written notice of the new/revised policy together with

information how to obtain or access a copy of the policy. At a minimum, the University will provide written notice on its website; through email messages to faculty, staff and students; and in any regularly issued newsletters (in print or online), as well as by any other means the University deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** Within 30 calendar days of completion of item II.D.4 above, the University will provide OCR documentation sufficient to demonstrate completion of item II.D.4. Such documentation would include, but would not be limited to, copies of the email messages sent to faculty, staff, and students regarding the new/revised policy; copies of any newsletters or other publications in which notice of the new/revised policy was issued; and a written description of any other means by which the University disseminated the information, including copies of any hardcopy documents containing the information and links to any webpages where the revised policies, or new policy/policy provisions, are located.

## **E. Training**

By **June 16, 2014**, but no later than the end of the 2013-14 academic year, the University will provide training regarding the policies and procedures required by or developed pursuant to this Agreement for the University's Title IX Coordinator, other personnel from the Office of Affirmative Action, chief student personnel administrator, relevant University police department officials, staff of the Violence Protection and Response Project, and any other University officials and administrators who are expected to be directly involved in processing, investigating, and/or resolving complaints of sex discrimination and/or harassment (including sexual misconduct and violence/assault), or who will otherwise be involved in coordinating the University's compliance with Title IX. The policies and procedures covered during the training would include, but not be limited to, the procedures and recordkeeping system developed by the Title IX Coordinator in accordance with items II.B.1.i., ii., and iii. of this Agreement, the procedures for the University's police department developed in accordance with item II.C.1 of the Agreement, and the revised complaint process and policy adopted in accordance with items II.D. 1. and 3. of the Agreement.

**REPORTING REQUIREMENT:** Within 30 calendar days of completion of item II.E. above, the University will provide OCR documentation demonstrating satisfactory completion of the requirements of item II.E. The documentation should include the date(s) and time(s), of the training, the

names and titles of the attendees, the name and title of the trainer(s), and copies of all materials used or distributed during the training.

## **F. Individual Remedy**

1. Within 30 days of the date of this Agreement, the University will extend a written invitation to the complainant to meet with appropriate University officials to determine what efforts and services, if any, are necessary to remedy the effects on the complainant of what she perceives to be a sexually hostile environment.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide to OCR documentation of the date and method by which the University extended the invitation described in item II.F.1. above, the date of any meeting(s) scheduled as a result of the University's invitation, and the actions, if any, taken by the University as a result of the meeting.

2. By **June 6, 2014**, the University will develop and document in writing procedures for monitoring whether the administrative expectations communicated by the University in a XXXXX XX, XXXX email to student A are being adhered to by student A.<sup>2</sup> The procedures will include steps to inform University personnel who have a need to know of the administrative expectations, the procedures to be followed by University personnel or the complainant to report a breach of the administrative expectations, and the steps the University will take in the event student A does not adhere to the expectations. The University will notify, in writing, the complainant and each University staff member with a need to know of the procedures described herein.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide OCR documentation sufficient to demonstrate completion of item II.F.2. above. Such documentation should include a copy of the written procedures developed pursuant to item II.F.2., the names and titles of each person who received notice of the procedures, and a copy of the notice provided to the complainant and University staff members, including the date and method by which the notice of written procedures was provided.

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<sup>2</sup> Student A is the individual about whom the complainant expressed concern to the University in this case.

3. By **June 6, 2014**, the University will contact the complainant and provide her the following information:
  - i. Assurance that the University will continue to implement and monitor the administrative expectations detailed in the email (expectations) of XXXXX XX, XXXX, to student A.
  - ii. The name and contact information for the University official responsible for implementing the expectations.
  - iii. The name and contact information for the University official the complainant may contact if she is concerned the expectations are not being implemented or feels she has been subjected to a hostile environment by student A.

REPORTING REQUIREMENT: By **June 6, 2014**, the University will provide OCR documentation sufficient to demonstrate completion of item II.F.3. above. Such documentation should include the date, time, and place/method by which the University contacted the complainant; the name and title of the University employee(s) who contacted or communicated with the complainant; and the name(s) and title(s) of the University official(s) identified pursuant to items II.F.3.ii. and iii. above.

The individual signing this Agreement certifies that he or she has the authority to act on behalf of the University to enter into this Agreement.

/s/ Leo Morton  
Chancellor or designee  
University of Missouri – Kansas City

04.24.14  
Date