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UNIVERSITY POLICIES AND PROCEDURES

The MWSU Policy Guide can be found online at the [Human Resource](#) webpage.

Campus Use and Events

ADVERTISING

Placement of Banners and Posters

The placement of banners and posters on the exterior of campus buildings shall be reserved for promotion of general university events. The approval by the Assistant Dean of Student Development shall be required to post banners and posters on the exterior of campus buildings.

Use of Bulletin Boards – Distribution of Literature

Notices not pertaining to instruction must be cleared through the Center for Student Involvement before being placed on University bulletin boards. The notices will be initialed and allowed to remain an appropriate length of time.

BOARD OF GOVERNORS – ALCOHOL POLICY

USE OF CAMPUS FACILITIES – ALCOHOLIC BEVERAGES

PURPOSE: To provide a policy which ensures that alcohol is only used on campus facilities in moderation and in a responsible manner by persons who are over the age of twenty-one and within the bounds of the law.

This policy shall not supersede or replace the University's drug policies or residence hall policies with regard to alcohol. The Board of Governors may revise this policy at any time.

GUIDELINES:

1. **Facilities:** Subject to compliance with the Approval Procedure and Approval Conditions contained herein, the use of alcohol shall be permitted on campus except in residence halls. Any request for the use of alcohol in any campus facility must be first approved pursuant to the Approval Procedure set forth in paragraph 2 hereof. Alcohol shall be permitted for single specific events and provided only by the campus food service provider, or by the third party contracted to provide such service at the Kansas City Chiefs Training Camp, who shall possess a valid liquor license and shall adhere to all applicable laws and regulations concerning the service of alcohol.

Provided however, and subject to the MWSU Tailgating Policy and applicable state law, individuals may possess and consume alcohol in lots I, H and J on Griffon football game days. The use of alcohol in such lots on Griffon football game days is not subject to the Approval Procedure contained in Section 2 of this policy. The sale

of beer and/or alcoholic beverages and/or possession and consumption are prohibited in tailgating lots for non- Griffon football game day events unless approved pursuant to the Approval Procedure contained herein.

Provided further, however, and subject to rules and policies developed for use of alcohol (as defined herein) in Skyboxes at Spratt Stadium and applicable State law, individuals may possess and consume alcohol in Skyboxes at Spratt Stadium on Griffon football game days. The use of alcohol in Skyboxes on Griffon football game days is not subject to the Approval Procedure contained in Section 2 of this policy. The possession and consumption of alcohol in Skyboxes are prohibited for non-Griffon football game day events unless otherwise approved pursuant to the Approval Procedure contained herein.

2. Approval Procedure:

- A. Recommendation by the Approval Committee: A written request for the service of alcohol on campus (see form provided by the Scheduling Services office) shall be made to the Scheduling Services office no later than thirty (30) days prior to the event at which alcohol is requested to be served. The approval committee shall consist of a member of the Board of Governors, a member of the faculty and a member of the University staff. The Chair of the Board of Governors shall appoint the member from the Board of Governors. The University President shall appoint the members from the faculty and University staff. The committee shall recommend the approval or denial of such request and forward such recommendation to the President no later than ten (10) days following the receipt of the application.
- B. Approval by the President: The President shall consider the recommendation of the Committee and shall approve or deny the application no later than ten (10) days prior to the scheduled event. The decision by the President shall be final and is not appealable.

3. Approval Conditions: The Approval Committee and President shall require compliance with the following conditions and shall set forth any additional criteria for the use of alcohol on campus in the notice of approval. The required conditions are as follows:

- A. Alcohol may not be served after 10:00 p.m. and shall not be served for more than three hours during any single event. The service of alcohol shall cease at least 30 minutes prior to the scheduled conclusion of the event. The Approval Committee and President shall have the right to place additional time restrictions on the service of alcohol as he/it deems necessary.
- B. Access to the event must be restricted to invited guests only.

- C. A majority of the guests attending the event must be 21 years of age or older. No alcohol shall be served to anyone under 21 years of age.
 - D. The campus food service provider must have reasonable policies in place to minimize the University's liability for service of the alcohol.
 - E. Except for the third party contracted to provide such service at the Kansas City Chiefs Training Camp, any alcohol consumed shall be purchased or provided by the campus food service. Alcohol may not be brought in by the event participants except as otherwise provided in this policy or the MWSU tailgating policy.
 - F. Alcohol will be available only by the glass or single service container. (Bottles of wine, such as those which are part of a table setting, will not be allowed).
 - G. No University funds or student fees may be used to purchase alcoholic beverages served under this policy.
 - H. For purposes of this policy, the term "alcohol" shall mean only wine and beer.
4. Off Campus Facilities. The University recognizes that from time to time, making alcohol beverages available at off campus University events is appropriate.

BICYCLE, SCOOTER, WHEELED DEVICE POLICY

Skateboards, rollerblades, bicycles, hover boards, scooters, and other wheeled device activity shall be conducted with courtesy toward all students, faculty, staff and visitors using the sidewalks. Such activity should be conducted away from University buildings and high traffic areas. Wheeled devices are not to be ridden inside University buildings.

Note: The term scooter does not include Mobility Scooters used for health reasons.

FREE EXPRESSION POLICY

This policy applies to all forms of peaceful assembly, protests, speeches, distribution of literature, carrying signs and circulating petitions.

1. Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning to the institution subject to the requirements of this policy.
2. The outdoor areas of campus shall be deemed traditional public forums. However, the University may maintain and enforce reasonable time, place and manner restrictions.
3. Activities may not take place inside any University classroom building (including the Library or Dining areas), or the residence halls.
4. They may not block access to any University building or hamper normal traffic flow.

5. As a courtesy, groups are asked to inform the Division of Student Affairs in Blum 228 (816.271.4432) if they are planning to be on campus, though this is not a requirement.

LATE NIGHT EVENTS/DANCE POLICY

Guidelines and Responsibilities

The purpose of the Late Night Event (LNE)/Dance Policy is to provide a structure for student organizations hosting social events at Missouri Western State University (MWSU). A Late Night Event (LNE)/Dance may be defined as any Friday or Saturday student event scheduled past 11:00 p.m. on campus. Late Night Events must end by 1:00 a.m. and Dances by 2:00 a.m.

Student Organizations requesting a LNE/Dance are required to be a Recognized Student Organization. All LNE/Dances must be registered in the Center for Student Involvement (CSI) 30 days prior to the event.

All Registered Student Organizations (RSO's) pre-scheduled dances, including events, must have a signed contract with the Center for Student Involvement (CSI) two (2) weeks prior to the event. The RSO is responsible for the conduct of their members and guests during the event. A copy of all the advertisement for the dance party must be turned in within of the scheduled dance to the CSI. It must be stated that all participants must be 18 or older w/valid identification or have valid MWSU ID.

The RSO hosting the event will be responsible for any damages that occur. All students and RSO's shall adhere to Missouri Western's Code of Conduct.

Attendance

Dance parties are open to current Missouri Western State University students with valid MWSU ID unless the event is categorized as a special event i.e. homecoming. Missouri Western students are only allowed to sign in two guests. Dances may be open for non-students to attend provided they are 18 years of age and have valid photo identification (military, driver's license).

Once room capacity has been met, individuals will not be allowed in unless someone leaves. This will be the responsibility of the Assistant Dean of Student Development or their designee. Appropriate measures will be made to ensure Missouri Western State University is in compliance with any city ordinance. In addition, the Events Committee may assist in deciding capacity relative to the event.

Registration for LNE/Dances

To register a LNE/Dances, signatures must be obtained from the RSO campus advisor, president, and two additional members indicating that there will be adequate coverage to manage the building for the event. Adequate coverage is vital and the University Police will be stationary at the dance party. It is the responsibility of the RSO to perform the following tasks:

1. Student organization must check ID's prior to allowing MWSU students/Alums/Guests to

enter the LNE/Dance. Students must show their MWSU ID.

2. Student organization must instruct MWSU alumni/guests to PRINT their name, driver's license number, and any former name used while attending MWSU on the sign-in sheet. The RSO must submit the sign-in sheet to the Assistant Dean of Student Development, no later than the following Monday.
3. The student organization is responsible for the monitoring of the party on MWSU's campus. There must be two (2) members working the front entrance at all times. There must be (1) additional student member monitoring the party at all times.
4. Student organizations must make sure that students are not allowed to take canes, sticks, or other potential weapons into the dance party. Violators will be escorted out of the dance party by the student organization hosting the dance party along with the officer on duty.
5. The student organizations must prohibit students appearing intoxicated or otherwise under the influence of alcohol or drugs from entering the dance party. Student organizations must prohibit students from taking any beverage containers opened or closed inside the dance party.
6. Student organizations must stop allowing students to enter the dance party if the building appears to be at full capacity.

Security

All late night dances are required to have the presence of campus police.

1. Hosting organization should take an active responsibility for their events. Be visible, proactive, and accessible.
2. Hosting organizations shall have an advisor or designee (as approved by the Assistant Dean of Student Development) present throughout the entire event. Advisor/designee must be visible and accessible throughout the entire event.
3. The RSO will need to appoint a minimum of one MWSU student to help work each check-in table with no campus officer present, one MWSU student to collect money, and another student to apply wristbands on the hands of patrons. Also, the organization will help assist with the overall hosting of the event including as well as clear the room when the dance is over at 1:45 a.m.
4. Wristbands will be provided to the RSO and must be used. All patrons must wear one.
5. The decision to cancel an event on-site will be made by the Assistant Dean of Student Development, University Police or RSO advisor.
6. Because of security reasons purses or other forms of carrying bags will not be permitted.

Food, drinks, or other types of bags and containers are prohibited.

7. Primary responsibility for confronting patrons who are creating disturbances will be the RSO primarily. If the disturbance continues the Assistant Dean of Student Development, then University Policy should be notified.
8. Admittance to the event is limited to the capacity of the room/building or 1:30 a.m. No guests will be permitted to enter the dance.

Ticket sales by Host Group

Late Night Events/Dances primary focus should be to provide a social outlet and environment for Western students, not the public. LNEs/Dances are not intended to be used as a major fundraiser. If funding was received from Western Activities Council (not including the security deposit), events must be free to Western students and their two guests.

Third party promoters are not permissible for Late Night Events.

Philanthropic Events

Any club/organization having a philanthropic event will be subject to approval from the Assistant Dean of Student Development and the Vice President for Student Affairs or their designee, if it is defined as a Late Night Event.

Cancellation

The sponsoring organization must cancel all room reservations no less than one week prior to the proposed engagement. If a dance is cancelled the night of the event due to the absence of an advisor or DJ not showing, a charge of no less than \$100 will result. This money will be used toward paying any needed campus resources that might have been needed reserved.

POLICY ON NON-ADMITTANCE TO UNIVERSITY – SPONSORED ACTIVITIES

Students who attempt to attend university sponsored activities while under the influence of alcohol will not be granted admission. Under the influence can be described as those who are visibly intoxicated. Examples include, but not limited to, stumbling, using loud or vulgar language, slurred speech or other disruptive behavior. The determination of under the influence will be in the judgment of the advisor in attendance.

POLICY FOR ADDITION OR ELEVATION OF SPORTS

Missouri Western State University has a process by which it reviews requests made to University administration by or on behalf of students to add a particular sport, or elevate an existing intramural sport, to intercollegiate sport status. The process to expand Missouri Western's intercollegiate sports program shall be initiated by the Director of Athletics. The approval or rejection of the proposal is the responsibility of the President of Missouri Western in consultation with the President's Cabinet. Additional consultation with other campus constituencies is recommended as appropriate.

The Athletics Department will review potential varsity sport additions to the university at least annually by considering the following criteria:

1. Identify sports being added by member institutions of the Mid-America Intercollegiate Athletics Association (MIAA) or other NCAA Division II institutions within the region;
2. Determine the feasibility of developing a schedule that is both convenient and competitive for the sport and the institution;
3. Assess the potential for the sport being added as a conference sport in the MIAA;
4. The availability of facilities that meet NCAA and MIAA standards;
5. The impact on diversity and gender representation consistent with the demographics reflected in Missouri Western's student body profile;
6. The level of support and interest from students, alumni, and the community or the anticipation of sufficient support and interest once a team is established;
7. A financial analysis projecting the impact on the Athletics Department and the University as a whole.

A student may make a written request to the Director of Athletics regarding the desire to add a varsity sport at Missouri Western. The Director of Athletics will investigate the feasibility of adding the sport. Upon conclusion of the investigation, the Director of Athletics will provide the student with a written response indicating what action, if any, will be taken in regards to adding the sport requested.

SCHOOL CANCELLATION POLICY

www.missouriwestern.edu/hr/closing/

Missouri Western State University will close for extraordinary circumstances. If the university is to close due to weather/road conditions, the decision will be made as follows:

Daytime Closing - normally the decision will be made by 6:00a.m.

Evening Closing - normally the decision will be made by 4:00p.m.

Any closings of the university will be broadcast on the following stations:

KCMO Radio (71 AM* and 95 FM)

KKJO Radio (105.5 FM)

KFEQ Radio (68 AM)

KSJQ Radio (92.7 FM)

WDAF (Channel 4)

KQTV (Channel 10)

If closings are not reported on the aforementioned stations, it should be assumed the University is open. It should be noted the University Administration would take several factors into consideration when making the decision to close the University due to weather/road conditions. Therefore, it cannot be assumed the University will close when area schools are closed. The closing will also be posted on the Missouri Western home page (www.missouriwestern.edu).

*KCMO Radio has changed its frequency to 71 AM. It was previously 81 AM.

SOLICITATION POLICY

State Law prohibits the use of state facilities for private purposes. Therefore, state facilities may not be used for marketing activities by outside vendors. Outside vendors may be allowed to market their products to employees or students if a University club, organization, or office sponsors them. Authorization must be obtained through the Department of Human Resources for products addressed to employees, and to the Vice President for Student Affairs or Dean of Students, Blum 228 for products addressed to students.

TOBACCO USE POLICY

In keeping with the mission and values of Missouri Western State University and out of respect to students, employees, visitors and the environment, it is the policy of Missouri Western State University to prohibit smoking, the use of smokeless tobacco products and nicotine delivery devices in facilities, grounds and property owned, leased, or controlled by the university. The sale, give away, or advertisement of tobacco products is not allowed on university property.

Tobacco products include, but are not limited to: cigarettes – traditional and electronic, cigars, pipes, hookah, smokeless tobacco (chewing tobacco, snuff, snus, etc.), other tobacco administering products, or products including nicotine (excluding Nicotine Replacement Therapy).

It is the responsibility of all administration, faculty, staff, and students to abide by the university's tobacco policy. Employees and students are encouraged to communicate this policy with courtesy, respect, and diplomacy, especially with regard to visitors. Any individual willfully ignoring this policy is subject to discipline by and under university policies. Offenders are subject to discipline appropriate to their status, e.g., students would be subject to the student conduct process (Division of Student Affairs) and faculty/staff subject to discipline from their appropriate supervisor and held to established administrative policies regarding conduct.

TAILGATING POLICY

www.missouriwestern.edu/tailgating/

Parking

The following parking regulations will be enforced on Griffon football game days to ensure the safety and enjoyment of Missouri Western fans and guests.

1. Campus parking lots used for tailgating will be lot I and H. Lot J will be used for visitors' overflow parking. These parking lots will open four (4) hours prior to event start and must be cleared within 90 minutes of the event conclusion.
2. Recreational vehicles (RVs) may occupy only one parking space and are only allowed in parking lot I.
3. Parking spaces may not be reserved or saved for others. Individuals who want to tailgate adjacent to one another must arrive and enter parking lots at the same time.
4. Spaces are for parking only. Tailgating must be either in front of or behind vehicles and not in adjacent parking spaces.
5. Parking lot traffic-ways are not to be blocked for any reason and must remain open to vehicle traffic and emergency egress at all times.
6. Household furniture intended for interior use, such as couches and recliners are prohibited in parking lots and tailgating areas. Lawn or bag chairs, patio seating and other outdoor furniture should be used.



**TAILGATE-DESIGNATED PARKING LOTS
H and I; VISITORS, LOT J**

Tailgating: Possession and Consumption of Alcohol

Alcohol may be possessed and consumed during Griffon game day tailgating activities within the rules outlined below and the Missouri Western Board of Governors Alcohol Policy.

1. Tailgating and consumption of alcohol shall cease no later than 15 minutes before the event begins.
2. Kegs and other common bulk containers are not allowed at any time. Beverages must be packaged in containers of one liter or less in volume. No glass containers are allowed. All alcoholic drinks should be poured into plastic cups for consumption.
3. Possession and/or consumption of alcohol may take place only in parking lots I, H, and J. No one under the age of 21 is permitted to consume or possess alcohol; alcohol should be consumed in moderation and responsibly. Binge drinking or drinking to excess is prohibited.
4. Anyone possessing and/or consuming alcohol shall carry valid photo identification establishing that he/she is 21 years of age or older and comply with a request to show such identification when requested by law enforcement, security personnel or a university official.
5. Drinking games (including but not limited to beer pong) or other designed efforts that may promote excess drinking are prohibited.

6. In an effort to maintain a safe and responsible atmosphere, no one may possess or consume alcohol from any device or apparatus designed to consume alcohol at a greater-than-normal rate of speed (including but not limited to funnels or beer bong).
7. The sale of alcoholic beverages is prohibited.
8. Possession and/or consumption of alcohol is prohibited outside of the designated tailgate lots of I, H, and J, with the exception of the Stadium Club.
9. Failure to comply with this policy may result in (but not limited to) criminal charges, loss of tailgating privileges, immediate ejection from tailgating and/or campus, ban from campus grounds, and/or student disciplinary charges. Lots may be monitored for compliance with tailgating policy, code of conduct, and state law.
10. Widespread or blatant noncompliance with this policy may result in the immediate revocation of the policy for future events.
11. Visitors who use, consume or possess alcohol under this policy assume all responsibility and liability for any and all issues resulting from such matters related to alcohol. MWSU assumes no liability or responsibility whatsoever for any and all issues that result from the use, possession or consumption of alcohol on its premises under this policy.

Trash and Recycling

Each individual is responsible for making sure that the tailgating area and grounds are maintained in a clean and orderly manner. No trash or recyclable items are to be discarded anywhere except in trash and/or recycling containers placed by the University throughout the tailgate areas. Littering of any form will not be tolerated.

For More Information

Responsible drinking is key. Name a designated driver or call for a ride instead of getting behind the wheel after drinking. If you or someone you know needs help for alcohol addiction, support groups and more information can be found at: www.missouriwestern.edu/pip/alcohol/

For policy questions or clarification, please contact the MWSU Police Department at the 24-hour service line: 816-271-4438.

Health and Safety

COMMUNICABLE DISEASE POLICY

For other health related policies including Tuberculosis Screening and Meningitis, please visit the [Esry Student Health Center](#).

SUMMARY: As a public institution, it is the general consensus that all students and employees are entitled to attend classes or work in a safe environment. This policy helps to ensure a safe environment and to protect students and employees from individuals who may pose a risk of spreading communicable disease.

All cases will be dealt with on an individual basis, with this policy to serve as a guideline. If necessary, consultation with the Buchanan County Health Department or a medical practitioner with expertise in the area of infectious disease may be pursued.

Additionally, in accordance with Senate Bill Number 197, 2013 and the American College Health Association recommendations, Missouri Western State University employees and students will complete Tuberculosis Screening in compliance with University policy.

DEFINITIONS:

Communicable Disease: Communicable disease is an illness due to an infectious agent or its toxic products and transmitted, directly or indirectly, to a susceptible host from an infected person, animal or arthropod, or through the agency of an intermediate host or a vector, or through the inanimate environment (19 CSR 20-20.010 Missouri Department of Health and Senior Services).

Review Committee: The committee consists of: a health care provider from the Esry Student Health Center, the Director of Human Resources, the Vice President of Student Affairs, and others as deemed necessary and appropriate, or their appointed designees.

Medical Professional: An individual who is licensed to provide medical diagnosis and treatment of disease.

Policy:

1. The most recent Centers for Disease Control (CDC) Guidelines related to the prevention, diagnosis and treatment of communicable disease will be followed and may necessitate restrictions related to class or work attendance and/or residence hall arrangements.
2. The Esry Student Health Center will make information on the prevention of communicable diseases available to students and employees upon request.
3. A student or employee's health condition is personal and confidential, and reasonable

precautions should be taken to protect information regarding an individual's health condition.

4. The Esry Student Health Center should be contacted if there is concern about the nature of any student or employee's illness. In cases where there are questions regarding risks to others and the environment, the University Review Committee will be notified and begin the assessment procedure of the individual's case.
 - a. The Environmental Safety Coordinator and the Review Committee will have available safety and incident report procedures.
 - i. Individuals residing in Residential Life facilities will be subject to environmental clean-up procedures, in accordance with Residential Life/Environmental Safety standard protocols.
 - b. Willful or negligent violation of safety and precautionary procedures may be cause for disciplinary action.

5. An employee or student of Missouri Western State University who is diagnosed with any reportable* communicable disease shall not be prohibited from work and/or classes as long as it has been determined by a medical professional that they pose little or no risk to the university community (See Categories of Risk below).
 - a. A student or employee who is deemed a potential risk to others by a medical professional must provide a statement from a medical provider outlining those activities in which the student or employee should be restricted. This statement should be provided by employees to Human Resources and by students to the Esry Health Center and should include information about the extent to which the student or employee should be in contact with other members of the campus community.
 - i. Missouri Western State University reserves the right, with the consent of the student or employee, to require a medical examination, at the student's or employee's expense.
 1. Refusal to submit to a medical exam may result in a student's temporary suspension (see 5a); an employee may be placed on leave with pay in accordance with University policy. Sick leave will be charged against an employee who is later determined to be afflicted with a communicable disease.
 - ii. The University Review Committee will make the final determination related to whether individuals deemed to be a risk for spreading disease may continue to attend classes or perform his or her duties at the University.
 1. Temporary removal of a student or employee who has been determined to be a potential risk may be made by the Review Committee. The removal may be made summarily, pending receipt of documentation by a medical professional that the individual does not pose a substantial threat or danger to himself or herself or other persons at Missouri Western State University.

- iii. Individuals who have been deemed to be a potential risk to others, must present a release to resume regular activities from a medical professional when they no longer pose a substantial threat or danger to themselves or the campus community.
 - b. Individuals with a communicable disease have the right to privacy and confidentiality. Only faculty and staff members who need to know the identity and condition of such individuals in order to perform their duties will be informed of the individual's medical condition [45 CFR 164.512(b)]. Willful or negligent disclosure of confidential information regarding an individual's medical condition will be cause for disciplinary action.
 - c. The individual may appeal the determination of the Review Committee in accordance with University policies and procedures for grievances. The determination of the Review Committee will remain in effect until it is overturned on appeal.
6. The Review Committee will contact the St. Joseph/Buchanan County Health Department to determine appropriate action regarding potential exposure to others.
 - a. In the event of a public inquiry concerning a communicable disease on campus, the President or the President's designee will provide appropriate information on behalf of the University.
7. The Vice President for Student Affairs, or designee, should be contacted if further guidance is needed in managing a situation that involves a communicable disease.

Categories of Potential Risk

No Risk:

Students or employees infected with chronic communicable diseases that do not pose a risk of transmission in school or at school activities (such as, but not limited to, Hepatitis B virus or HIV) shall be allowed to attend school or continue to work without any restrictions based solely on the infection. The university will not require any medical evaluations or tests for such diseases.

Potential Risk:

Students or employees with communicable diseases that pose a risk of transmission in school or at school activities (such as, but not limited to, chicken pox, influenza and conjunctivitis) will be managed as required by law and in accordance with guidelines provided by the Missouri Department of Health and Senior Services (DHSS) and local county or city health departments. Such management may include, but is not limited to, exclusion from school or reassignment as needed for the health and safety of students and staff.

* Reportable diseases included in this policy are those which may pose a significant health risk to others, in accordance with the Missouri Department of Health and Senior Services Division of Community and Public Health policy, CSR 20.20.010 through 20.20.060, (<https://www.sos.mo.gov/adrules/csr/current/19csr/19c20-20.pdf>), state laws and Department of Health rules (Legal Reference: State Statute 191.650-695, RSMo. (<http://www.moga.mo.gov/>) governing the control and reporting of communicable and other diseases dangerous to public health.

Meningitis Immunization Policy

Purpose:

College students, especially first-year college students living in residence halls, are at an increased risk for meningococcal disease compared with other persons of the same age. This policy is in compliance with Missouri Senate Bill No. 716, Section 174.335, RSMo, effective July 1, 2015 and revised 2016.

Policy:

1. All students who plan to reside in Missouri Western State University on-campus housing are required to receive the meningococcal vaccine unless a signed statement of medical or religious exemption is on file with the Esry Student Health Center.
 - a. A student shall be exempted from the immunization requirement upon signed certification by a doctor licensed under chapter 334, indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of disease or laboratory evidence of immunity to the disease.
 - b. A student shall be exempted from the immunization requirement if the student objects in writing to the institution's administration that the immunization violates their religious beliefs.
2. The Esry Student Health Center shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university.
3. The meningococcal vaccine may be provided by a student's personal physician, or it may be administered in the Esry Student Health Center. The cost of the vaccination is the student's responsibility.
 - a) For students who receive the first dose at age 11- 12 years, a one-time booster dose must be administered, generally at age 16. Students who receive their first dose of meningococcal vaccine at or after age 16 years do not need a booster dose.
4. Information related to a student's health record can be delivered in person to the Esry Student Health Center, faxed to the Health Center (816) 271-4498 or sent via mail to the Esry Student Health Center, Missouri Western State University, 4525 Downs, Drive, St. Joseph, MO 64507.
5. Students are expected to provide either proof of the immunization or have filed a waiver prior to moving in to on-campus housing.
 - a) Students who fail to complete the meningitis immunization or waiver will have a hold placed on their enrollment for the subsequent semester until the immunization has been completed or a waiver is on file.
6. In the case of a confirmed meningitis case, the University will follow the contagious /communicable disease policy.

Resources: CDC, Community Settings as a Risk Factor
<http://www.cdc.gov/meningococcal/about/riskcommunity.html>

SUICIDE AWARENESS AND PREVENTION

Missouri Western State University provides information to students and staff on suicide prevention programs available on and off campus that includes crisis intervention access, mental health program access, multimedia application access, student communication plans and post intervention plans. MWSU provides all incoming students with information about depression and suicide prevention and ensures that this information is available on the Counseling website. Students, faculty and staff (including residence hall staff) are advised as to the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies of behavior and additional training is provided as needed.

The Counseling website provides important information on identifying people at risk for suicide; recognizing the risk factors; protective factors; warning signs of those potentially at risk for suicide; support services available; and appropriate actions to take. Anonymous reporting of unsafe, potentially harmful, dangerous, violent, or criminal activities or the threat of such activities will be maintained on the MWSU website.

TUBERCULOSIS SCREENING POLICY

The State of Missouri now requires all faculty/staff and students of Public Universities to comply with a comprehensive screening program for Tuberculosis (TB). A comprehensive screening and targeted testing program not only addresses the public health condition in the campus community but also contributes to the larger public health goal of reducing the burden of TB in the United States. This policy is in compliance with Senate Bill 197 (2013) and RSMo 199.290 (2016) and the Centers for Disease Control recommendations and took effect beginning fall 2014 with revisions in 2016.

Definitions:

Screening / Preliminary Questionnaire: A Yes / No survey to pre-screen TB risk level

TB testing: T-Spot (blood test) or TST (skin test)

Matriculation: Admission at MWSU

Policy:

1. Upon matriculation at Missouri Western State University, all students will complete the TB screening questionnaire. Upon hiring at Missouri Western State University, all faculty and staff will complete the TB screening questionnaire.
 - a. The screening form is mandatory for all new graduate and undergraduate students taking classes on the Missouri Western campus, including freshmen, transfer students, first time students; faculty and staff at Missouri Western State University; on-campus for-credit camp and for-credit conference attendees; Intensive English Program non-credit students and Northland campus students.
 - b. Those who have spent more than 2 months in a high risk country as listed on the TB screening questionnaire after matriculation or initial employment should complete the TB

screening questionnaire again. It is the individual's responsibility to disclose their travel and fulfill this obligation.

- c. A printable copy and/or an electronic submission TB screening questionnaire can be found at the Esry Student Health Center website, the Human Resources website, the Residential Life website, and the Admissions website.
2. All completed TB screening questionnaires will be collected by Human Resources, Admissions, Residence Life, and/or the Esry Student Health Center. Individuals who complete the questionnaire outside of a University forum may submit their completed TB screening questionnaire directly to the Esry Student Health Center.
 - a. Failure of students to complete the TB screening questionnaire will result in a notification sent to the student, and a hold placed on their enrollment until the TB screening questionnaire has been completed the student may not live in the residence halls until the screening questionnaire is completed, and will not be permitted to maintain enrollment in the subsequent semester until any necessary follow-up is completed.
 - b. Failure of faculty and staff to complete the TB screening questionnaire will result in a notification sent to the faculty and staff member. The faculty and staff member may not work on campus until screening and testing (if needed) are complete.
 3. Those who are identified as high-risk by the Esry Student Health Center professionals' assessment of the preliminary questionnaire must comply with the appropriate after-care:
 - a. Most will be instructed to undergo TB testing. TB testing may be completed at the MWSU Esry Student Health Center for students, or at a United States certified health provider of choice for students, faculty, or staff. All medical expenses will be the individual's financial responsibility.
 - i. Those who were born in a country listed on the questionnaire will be required to have a TB test. Proof of TB testing must be provided to the Esry Student Health Center, who will notify Human Resources (for faculty and staff) of compliance. The Esry Student Health Center will remove all student enrollment holds when a student is in compliance.
 - b. OR--Those who have had a past positive TB test must present documentation of a chest x-ray taken by a U.S. certified healthcare provider within the last year or obtain one through a U.S. certified healthcare provider and have results submitted to the Esry Student Health Center prior to attending classes or working on campus. All medical expenses will be the individual's financial responsibility.
 - i. Those who have received prior treatment for active TB disease must provide proper documentation of such treatment to the Esry Student Health Center prior to attending classes or working on campus.
 - ii. Proof of TB testing must be provided to the Esry Student Health Center, who will notify Human Resources (for faculty and staff) of compliance. The Esry Health Center will remove all student enrollment holds when a student is in compliance.

4. Esry Student Health Center will contact the high-risk students when there is a failure to follow through with the TB testing; Human Resources will contact the high-risk faculty or staff member when there is a failure to follow through with the TB testing, via official MWSU email accounts and US Postal Service to the permanent address on file.
 - a. Failure of students who are deemed high-risk to complete the TB testing process will result in a notification sent to the student, and a hold placed on their enrollment until their follow up TB evaluation has been completed.
 - b. Failure of faculty and staff who are deemed high-risk to complete the TB testing process will result in a notification sent to the faculty and staff member. The high risk faculty and staff member may not work on campus until screening and testing (if needed) are complete.
5. In the case of a confirmed TB case, the University will follow the contagious/communicable disease policy.

Technology

COMPUTING POLICY

www.missouriwestern.edu/its/policies/

MWSU computing facilities are provided in order to promote and support academic pursuits. Academic computer facilities are therefore to be used only for instruction and research activities. Listed here are certain responsibilities and the ethical behavior expected of you as a computer user. The guidelines presented here reflect U.S. Copyright Law, the Law of the State of Missouri, and additional specific rules relative to the MWSU campus. It is the intent of Missouri Western State University to adhere to the provisions of copyright laws relative to software and to comply with licensing agreements and/or policy statements contained in the software packages used on campus. If you need further clarification regarding these guidelines, please contact Information Technology Services.

MWSU Rules and Regulations

Always apply normal standards of academic ethics and polite conduct to your use of computing services. Never share your logon credentials (username and password) with anyone. Your computing activities should not interfere with the rights of other users. Respect the equipment and privacy of others. Campus computing facilities may not be used for personal business interests. This includes the use of the campus network from privately owned equipment. Drinks, food, and tobacco products are not allowed in campus computing facilities.

Examples of unacceptable activities:

Sharing your logon credentials (username and password) with anyone. Downloading copyrighted material including music, movie, and other electronic files available through peer-to-peer file sharing services such as LimeWire, FrostWire, Napster, BitTorrent, etc. Changing or altering hardware/software configurations without permission of lab supervisor. Game playing or other trivial applications. Excessive printing. Sending annoying or obscene messages to any other user. Displaying material or information that is harassing, defamatory, obscene or offensive. Using computer systems for personal activities that are not required for class or research. Importing software of unknown function and quality. This is the primary cause of virus transmission.

Disciplinary Action for Violating the Computing Policy

Misuse of campus computing resources shall be reported to the Director of Information Technology Services. Each violation will be reviewed by the Computer Usage Hearing Panel consisting of the Library Director, Information Technology Services Director, and one faculty member. Any necessary disciplinary action will be determined by the Panel. Within ten calendar days of receiving notice of disciplinary action, an appeal based on a showing of good cause may be made to the Vice President for Academic Affairs, whose decision will be final. Reports regarding faculty or staff should be made directly to the appropriate vice president. Please be

aware that violations of U.S. or MO laws may result in legal and/or civil action. When appropriate, the Panel may report student violations to the Dean of Students.

E-Mail/Portal Use Policy

Missouri Western State University has designated the MWSU e-mail system and the Missouri Western GoldLink electronic portal (goldlink.missouriwestern.edu) as official methods of communication to students, faculty, and staff. Each student, faculty, and staff member receives a MWSU hosted e-mail account and network login/password. This e-mail account is the primary resource used for MWSU communications between students, faculty, and staff. Official notices and information regarding the University will be sent through the MWSU e-mail system and/or posted on the Missouri Western GoldLink electronic portal.

The University has determined that use of the MWSU e-mail system and the GoldLink portal is critical to the success of students and employees in daily routines or job performance. Students are expected to check their e-mail accounts and access GoldLink at least once per week. Faculty and staff are expected to check their e-mail accounts and access GoldLink every 1–2 business days during active work periods.

Typical e-mail communications sent by MWSU include information regarding enrollment, grades, billing, payments, financial aid, and campus activities. Typical information provided by the Missouri Western GoldLink portal includes personal announcements, campus announcements, messages for targeted audiences, and access to the Banner Self-Service system. It is the responsibility of students, faculty, and staff to stay informed. Therefore, it is expected that students, faculty, and staff access these electronic communication mediums to stay informed of the activities of MWSU and to communicate in a timely manner.

Nondiscrimination

NONDISCRIMINATION/EQUAL OPPORTUNITY POLICY

The Missouri Western State University actively follows a policy of nondiscrimination in regard to age, race, color, religion, sex, sexual orientation, gender identity or expression, marital status, pregnancy or parental status, national origin, veteran status, genetic information, disability, and all other legally protected classes. This policy applies to educational programs and activities including athletics, instruction, grading, awarding of student financial aid, recruitment, admission, employment, housing, placement and retention of students, faculty and staff. Missouri Western State University pledges continued compliance with all relevant state and federal laws and cooperation with governmental organizations in ensuring equal employment and educational opportunity.

Individuals with concerns regarding the university's compliance with this policy or any laws and regulations prohibiting discrimination are to contact the following:

For Nondiscrimination/Equal Opportunity related questions contact:

Director of Human Resources/Equal Opportunity Officer/Deputy Title IX Coordinator
Human Resources Office
Room 117--Popplewell Hall
(816) 271-4587

For Title IX of the Education Amendments of 1972 related questions contact:

Director of Human Resources/Equal Opportunity Officer/Title IX Deputy Coordinator
Human Resources Office
Room 117--Popplewell Hall
(816) 271-4587

Title IX Coordinator
Student Affairs
Room 231--Blum Union
(816)-271-4557

Associate Vice President for Student Affairs
Deputy Title IX Coordinator
Student Affairs
Room 228--Blum Union
(816) 271-4432

For Section 504 of the Rehabilitation Act of 1973—ADA related questions contact:

ADA-504 ADA Coordinator
Accessibility Resource Center

Room 203--Eder Hall
(816) 271-4330

For Students:

Accessibility Resource, Coordinator
Accessibility Resource Center
Room 203--Eder Hall
(816) 271-4330

For Employees:

Director of Human Resources/Equal Opportunity Officer/Title IX Deputy Coordinator
Human Resources
Office Room 117—Popplewell Hall
(816) 271-4587

Toll free numbers for Relay Missouri are 711 or 800-735-2966 for TTY, and 866-735-2460 for voice callers.

RETALIATION:

No person who initiates either an informal report or a formal complaint, honestly and in good faith, shall be punished or otherwise retaliated against for initiating such procedures even if such report and/or complaint is determined to be invalid or unsubstantiated. Similarly, witnesses and other individuals who participate, honestly and in good faith, in the investigation with regard to such complaints, shall not be punished or otherwise retaliated against.

Retaliation is a separate and independent violation of university policy and will be reported and handled in the same manner as incidents of discrimination and harassment.

Any individual who believes they have experienced or witnessed retaliation should immediately notify the appropriate member(s) of the administration as identified in this policy.

NONDISCRIMINATION/EQUAL OPPORTUNITY POLICY DISSEMINATION:

The following actions are to insure that individuals are aware that Missouri Western State University is an Equal Opportunity institution.

1. The Nondiscrimination/Equal Opportunity Policy will be included in the Policy Guide, the University Catalog, and the Student Handbook as well as employee and student orientation materials.
2. The phrase "equal opportunity" will be part of all job advertisements and University advertising. Equal Opportunity posters will be displayed conspicuously on campus.
3. All persons involved in hiring process, including members of search committees, will be provided with information on Nondiscrimination/Equal Opportunity practices.
4. All employees will be required to complete educational training upon hire and thereafter as directed by the Administration. Failure to comply with the required training may be

considered gross misconduct and subject the employee to discipline up to and including dismissal.

NONDISCRIMINATION/EQUAL OPPORTUNITY COMMITTEE:

A Nondiscrimination/Equal Opportunity committee is appointed by the President and consists of the following: Equal Opportunity Officer ex-officio, Dean of Students/Title IX Coordinator, Section 504/ADA Coordinator, Registrar, one standing faculty representative, and one standing Staff Representative.

This Committee has the following responsibilities:

1. To affirm and extend the University's commitment to the principles of equal employment and educational opportunities.
2. To recommend and evaluate policies and/or procedures related to nondiscrimination/equal opportunity.
3. To promote awareness regarding the principles and policies of nondiscrimination/equal opportunity at Missouri Western.
4. To serve as a vehicle to express equal opportunity concerns of employees and students to the administration, and to recommend solutions.
5. To participate in the investigative procedures for discrimination complaints. (See Nondiscrimination/Equal Opportunity Policy Procedures for Reporting and Investigating Complaints)

Remedies:

The Nondiscrimination/Equal Opportunity Committee may recommend disciplinary action consistent with the category of individual (faculty, staff, or student as referenced in the Student Code of Conduct) found guilty of the discriminatory action. An individual found guilty of blatant discriminatory action(s) may have their conduct considered gross misconduct or moral turpitude and may be subject to discipline up to and including immediate dismissal.

NONDISCRIMINATION/EQUAL OPPORTUNITY POLICY PROCEDURES FOR REPORTING AND INVESTIGATING COMPLAINTS

The Missouri Western State University is committed to creating and maintaining a learning community dedicated to the advancement and transmission of knowledge and creative endeavors, where all individuals who participate in University programs and activities can work and learn together in an atmosphere of respect, tolerance, and freedom. The University is further committed to addressing and eliminating all forms of discrimination and harassment. Complete copies of the "Nondiscrimination/Equal Opportunity Statement" may be found in the University's Policy Guide online, the Student Handbook, and the University Catalog.

The procedures outlined in the following policy pertain to reports of unfair treatment on the basis of age, race, color, ethnicity, religion, national origin, marital status, veteran status, handicap/disability or genetic information related to employment, education or public accommodation. These procedures, which are governed by university policy, apply to all university administrators, faculty, staff and students and are to be used in support of university nondiscrimination policies. Should there be a conflict of interest between an investigator and a

respondent the next level of administrative supervision will designate an appropriate investigator.

Reporting and Investigation procedures for Title IX or Sexual Misconduct types of complaints will follow the procedures detailed in the University's *Sexual Misconduct Policy*. Please reference <https://www.missouriwestern.edu/titleix/> for more information.

In effort to provide a better understanding of terminology related to these procedures the following definitions are provided:

DEFINITIONS

Business Days: Business Days are those days on which university offices are officially open for business.

Complainant: A person who brings a complaint alleging that another person(s) has engaged in discriminatory conduct.

Discrimination: Any unfair treatment based on age, race, color, ethnicity, religion, sex, national origin, sexual orientation, marital status, veteran status, handicap/disability or genetic information as it relates to employment, education or public accommodation.

Aspects of employment or education that may be adversely affected by discrimination, include, but are not limited to:

- hiring and firing
- compensation, assignment, or classification of employees or students
- transfer, promotion, layoff or recall
- recruitment
- testing
- use of university facilities
- training and appointment programs
- fringe benefits
- pay, retirement plans and disability leave
- access to courses, advising, and mentoring
- grades
- scholarship, assistantships and tuition waivers
- participation in intercollegiate and intramural sports
- other terms and conditions of employment
- other terms and conditions of admission to or full enjoyment of university programs

Harassment: Unwelcome verbal, nonverbal or physical conduct based on age, race, color, ethnicity, religion, sex, national origin, sexual orientation, marital status, veteran status, handicap/disability or genetic information that has the purpose or effect of creating a hostile campus environment. Harassment may include, but is not limited to:

- offensive jokes
- slurs
- epithets
- name calling
- physical assaults or threats
- offensive touching
- intimidation

- ridicule
- mockery
- insults or put-downs
- offensive objects or pictures
- graffiti
- subjecting a person or persons of a protected class to repeated criticism or verbal abuse but not doing so to similarly situated non-class members.

Harassment can occur in a variety of circumstances, including, but not limited to:

- the harasser can be the victim's supervisor, a supervisor in another area, an agent of Missouri Western, a co-worker, non-employee, faculty/staff member or student;
- the victim does not have to be the person harassed, but can be anyone affected by the offensive conduct; or
- unlawful harassment may occur without economic injury to, or discharge of, the victim.

Investigator: The person designated by the Equal Opportunity Officer responsible for gathering facts and data related to the case.

Respondent: A person who is alleged to have engaged in discriminatory conduct that is the subject of a discrimination complaint.

Retaliation: Taking adverse action, including but not limited to firing, demoting, harassing, lowering a grade or otherwise "retaliating" against a person because he or she filed a complaint of discrimination, because he or she complained about discrimination or because he or she participated in a discrimination proceeding (such as an investigation or lawsuit).

Sexual Harassment: Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

Examples of Sexual Harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, or humor
- Making sexual gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy

- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Sexual violence (as defined in the University's *Sexual Misconduct Policy*)

Please refer to Missouri Western's *Sexual Misconduct Policy* for more information on sexual harassment, sexual violence, domestic violence, stalking and like issues.

University Representative

The University Representative is the university employee who is informed by the complainant of an incident that may be a violation of the University Nondiscrimination Policy. The University Representative is typically

1. The Complainant's or reporting individual's appropriate supervisor, director, department head, department chair, dean, university director or vice president
2. The Vice President for Student Affairs is an additional University Representative available to students.

REPORTING AND INVESTIGATION PROCEDURES

If a student, faculty member, staff member or visitor believes that he or she has been discriminated against based on age, race, color, ethnicity, religion, sex, national origin, sexual orientation, marital status, veteran status, disability/handicap or genetic information or harassed; or if he or she has witnessed such discrimination or harassment, that person should promptly report it using one or both of the following methods. Complainants are encouraged to use the Informal Procedure outlined below prior to initiating the Formal Procedure, but are not required to do so.

Informal Procedure

- A. Any student, faculty member, staff member or visitor is encouraged to discuss the matter with the appropriate University Representative as defined above and/or with the Equal Opportunity Officer or Title IX Coordinator.
 1. If the appropriate University Representative is the person being complained about or if the Complainant believes that the appropriate University Representative has a potential conflict of interest or bias in the matter, he or she should contact the immediate supervisor of the University Representative, the Equal Opportunity Officer or Title IX Coordinator.
 2. University employees who are not in a supervisory position but become aware of or have discrimination or harassment reported to them must contact the Equal Opportunity Officer/Title IX Coordinator as soon as practicable.
- B. The University Representative who receives the report shall forward the complaint to the Equal Opportunity Officer/Title IX Coordinator no more than three (3) Business Days after receiving the complaint. The report should include the nature of the conduct reported, the persons involved, the alleged facts reported and a suggested/requested solution, if communicated by the complainant.

- C. The Equal Opportunity Officer/Title IX Coordinator shall obtain a written statement from the Complainant and attempt to arrive at an informal resolution through appropriate manners, being guided by the concern for fairness to all parties involved. The respondent should be notified of the complaint filed against him or her within five (5) business days and should submit in writing their statement of the incident. The Equal Opportunity Officer or Title IX Coordinator will provide a written response to the Complainant and the Respondent and will include the proposed resolution and the time frame for implementation of any needed action. The entire process should be completed within ten (10) Business Days of receipt of the complaint. If it is not possible to complete the process within ten (10) Business Days, during that time period, an explanation for the delay will be communicated to all appropriate parties.
- D. If a complaint involves alleged conduct on the part of the University's President, the Equal Opportunity Officer or Title IX Coordinator shall obtain a written statement from the Complainant and the Respondent and submit those statements to the Chairperson of the University's Board of Governors. If the Chairperson of the University's Board of Governors finds sufficient evidence that a violation of policy occurred, he/she will work with the Equal Opportunity Officer in an attempt to arrive at an informal resolution through appropriate manners, being guided by the concern for fairness to all parties involved.
- E. To the extent possible and except as otherwise provided by law, complaints, information gathered during the informal process and the Equal Opportunity Officer/Title IX Coordinator's written response shall remain **CONFIDENTIAL**. The informal report should be discussed only among the University Representative receiving the report, the Equal Opportunity Officer or Title IX Coordinator and others on a need-to-know basis.
- F. The Equal Opportunity Officer or Title IX Coordinator shall provide a warning to the Respondent that federal and state law and Missouri Western policy prohibits Retaliation against persons who have filed complaints or persons who participate in the complaint process.
- G. If the Complainant or the Respondent does not agree to the proposed resolution, the Complainant or the Respondent may initiate the Formal Procedure as indicated below.

Formal Procedure

- A. To initiate the formal complaint procedure, the Complainant should submit a complaint in writing, signed and dated, to the Equal Opportunity Officer/Title IX Coordinator as soon as possible after the alleged conduct or after the attempt to use the Informal Procedure proves to be unsatisfactory. The written complaint should contain the date of the event, the general nature of the event, the words or conduct involved, the name(s) of the Respondent(s), the names of any witnesses, and a description of any similar incidents involving the same parties in the past. The Equal Opportunity Officer/Title IX Coordinator shall maintain documents for the purpose of making such complaints, but use of a particular form is not required.

Likewise, the Respondent may request use of the Formal Procedure by submitting the request in writing to the Equal Opportunity Officer/Title IX Coordinator. This request must be made within 5 Business Days after notification of a complaint where he/she is the

Respondent or within 15 Business Days after notification of the proposed resolution to a complaint where he/she is the Respondent.

- B. The Equal Opportunity Officer/Title IX Coordinator shall notify the Respondent within five (5) Business Days that a complaint has been filed and provide a warning to the Respondent that federal and state law and Missouri Western policy prohibits retaliation against persons who have filed complaints or whom he or she believes to have filed complaints, or who have participated in an investigation, even if those complaints are ultimately proven to be false. The Respondent shall acknowledge receipt of this information in writing.
- C. The Equal Opportunity Officer/Title IX Coordinator or their designee will investigate the incident.
- D. The Respondent shall provide the Investigator a written statement responding to the allegations within five (5) Business Days of receiving notification of the specifics of the complaint. The written statement may be supplemented as necessary at any time during the investigation. The Investigator may interview the Complainant, the Respondent and any other persons believed to have relevant information about the alleged conduct or similar conduct by the Respondent. Both the Complainant and the Respondent are encouraged to bring all relevant evidence and potential witnesses to the attention of the Investigator.
- E. The Investigator will prepare a written report, making relevant findings of fact, within fifteen (15) Business Days of receiving the complaint. Additional time may be taken for extenuating circumstances such as the unavailability of a key witness. If additional time is needed, the Complainant and the Respondent shall be informed. The Investigator will provide the report to the Respondent's vice president or university director.
- F. The appropriate vice president or university director will review the report and confer with the Equal Opportunity Officer/Title IX Coordinator. The vice president or university director will render a determination. The vice president or university director will convey this determination in writing to the Complainant and to the Respondent, with copies to the Equal Opportunity Officer/Title IX Coordinator within fifteen (15) business days of receiving the investigator's report. Information released in the determination must be limited so as to not compromise confidential personnel information.
- G. The Complainant and/or the Respondent may appeal the decision of the vice president or university director by directing a letter of appeal to the university president within five (5) Business Days of receiving the vice president's or university director's decision.

If no appeal is made, the vice president or university director will notify all parties that the complaint is closed.
- H. If the matter is appealed to the university president he or she will review the report and may confer with the vice president or university director and Equal Opportunity Officer/Title IX Coordinator.
 - 1. If the university president concurs with the decision of the vice president or university director, his or her decision will be final. The university president will affirm the vice president's or university director's determination in writing to the Complainant, the Respondent, the vice president or university director and the Equal Opportunity Officer/Title IX Coordinator as soon as possible, usually within

- ten (10) days of receipt of the appeal.
2. If the university president does not concur with the decision of the vice president or university director he or she may:
 - a. Reverse the determination of the vice president or university director and convey his or her decision in writing to the Complainant, the Respondent, the vice president or university director and the Equal Opportunity Officer/Title IX Coordinator as soon as possible and the complaint is closed; or
 - b. Send the matter back to the vice president or university director with instructions to amend the determination. The university president's decision will be conveyed in writing to the Complainant, the Respondent, the vice president or university director and the Equal Opportunity Officer/Title IX Coordinator as soon as reasonably possible and the complaint is closed.
 - I. If a complaint involves alleged conduct on the part of the University's President, the Chairperson of the University's Board of Governors will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Governors will prepare and issue the written report determining the complaint. The determination of the Board of Governors is final and not subject to appeal.
 - J. If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the University's President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issue the written report determining the complaint. The determination of the President is final and not subject to appeal.

Protection of Complainants, Respondents and Witnesses

Retaliation against someone for reporting or participating in an investigation and related processes is prohibited. It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section. Retaliation includes threats, intimidation, reprisals and/or adverse employment or educational actions against a person based on their claim of discrimination or participation in the investigation, report, remedial or disciplinary processes provided for in the policy.

Rights of the Complainant

1. To be treated with respect by University officials.
2. To be free from retaliation.
3. To have access to campus support resources (counseling and mental health services; University health services).
4. To have an advisor of their choice accompany him/her to all interviews, meetings and proceedings.
5. To use either the Informal Procedure or the Formal Procedure to resolve an allegation.
6. To have an opportunity to present a list of potential witnesses and to provide evidence to the investigator.
7. When the complainant is not the reporting party, the complainant has full rights to participate in the process for resolution.

8. To be informed in writing of the findings and resolution within a reasonable amount of time, normally within thirty (30) business days. If the situation requires a longer timeframe, both the complainant and the respondent should be notified in writing, including an estimate of the extension of time that is necessary.
9. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
10. To have an opportunity to appeal the findings and sanctions.
11. To receive notice of witnesses to be interviewed, if the Formal Procedure is used.

Rights of the Respondent/Accused

1. To be treated with respect by University officials.
2. To have access to campus support resources (counseling and mental health services; University health services), unless suspended from campus pending the completion of the process.
3. To have an advisor of their choice accompany him/her to all interviews, meetings and proceedings.
4. To have an opportunity to present a list of potential witnesses and to provide evidence to the investigator.
5. To receive in writing, notice of the policies alleged to have been violated within five (5) business days of the filing of the complaint.
6. To have complaints heard in accordance with these procedures.
7. To be informed in writing of the findings and resolution within a reasonable amount of time, normally within thirty (30) business days. If the situation requires a longer timeframe, both the complainant and the respondent should be notified in writing, including an estimate of the extension of time that will be necessary.
8. To have an opportunity to appeal the findings and sanctions.
9. To receive notice of witnesses to be interviewed if the Formal Procedure is used.

Timelines

Timelines are provided within this document as guidelines. If the Investigator and/or Equal Opportunity Officer/Title IX Coordinator need more time to complete necessary tasks at any stage in the procedure, they will communicate to both parties as appropriate.

False Complaints

Any complaints of discrimination, including harassment, that the Complainant knew to be false, may result in corrective or disciplinary action, up to and including dismissal or suspension, against the Complainant.

Privacy Related Policy

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which sets forth requirements aimed at protecting the privacy of educational records. Education records are defined as those records which directly relate to a student and are maintained by an educational agency or institution or by a party acting on behalf of that institution. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements.

Students have the following inherent rights under FERPA –

1. Control the disclosure of their “education records” to others.
2. Inspect and review their “education records”.
3. Seek amendment to their “education records”.
4. File a complaint with the Department of Education.

Once students are enrolled at MWSU, FERPA rights transfer to the student, regardless of the student’s age.

In the absence of an official request, information contained in a student’s records remains confidential between the student and MWSU and will not be released to third parties without the consent of the student, with the following exceptions:

- as directory information;
- to school officials with legitimate education interest;
- to schools which the student is seeking admission;
- to organizations conducting studies of or on behalf of educational institutions;
- to federal, state or local education authorities;
- in connection with the receipt of financial aid;
- to accrediting agencies;
- to comply with a judicial order or subpoena;
- in health or safety emergencies;
- results of a disciplinary hearing to an alleged victim of a crime of violence;
- to parents of students under the legal drinking age if caught possessing or using alcohol or drugs.

Missouri Western State University defines **directory information** as:

- name;
- mailing address;
- telephone numbers;
- campus e-mail address;
- date of birth (month/day);
- major or field of study;

- dates of attendance;
- enrollment status;
- anticipated graduation date;
- classification;
- degrees awarded;
- honors awarded;
- previous institutions attended;
- participation in activities/sports;
- weight/height of athletes.

The FERPA annual student notification and FERPA release form can be found at the Registrar's Office webpage under the forms section: www.missouriwestern.edu/registrar/FERPA-Release-Form

ACCESS TO RECORDS

Currently enrolled students may withhold disclosure of information under the Family Educational Rights and Privacy Act of 1974, as amended. To withhold disclosure, written notification must be received in the Registrar's Office (Eder Hall 102). A hold will not apply retroactively and will remain valid until the student submits notification in writing, stating otherwise. Western assumes that failure on the part of any student to specifically request the withholding of "Directory Information" indicates individual approval for disclosure.

RECORDS INSPECTION

Request for records inspection should be directed to the official in charge of maintaining the record. The personally identifiable educational records of each student and former student maintained by the university are open for inspection by the student, except in limited cases where privacy, confidentiality, or professional privileges of another person is involved.

CHALLENGE HEARING

The student may challenge an inaccurate record and request a hearing concerning any alleged inaccuracy contained therein. Any challenge must establish by a preponderance that the record is inaccurate. If desired, the student may submit a written explanation of a record's content, which then becomes a part of the record. Additional information regarding FERPA may be obtained from the Office of the Registrar, Eder 102 or the University's Risk Manager, Popplewell 119.