



## University Policy #1.14

Policy Name: Nondiscrimination and Anti-Harassment Policy  
Issued By: CFO/COO  
Last Revised: August 14, 2024  
Supersedes: (Original)

# Policy #1.14 Nondiscrimination and Anti-Harassment Policy

## I. PURPOSE

Kansas City University ("University") is committed to providing an education and work environment free of Discrimination for all faculty, staff, students, and third parties. This Policy is designed to aid in those efforts and implement anti-discrimination related legal obligations.

## II. REFERENCES

- A. The *Age Discrimination in Employment Act* of 1975
- B. The *Americans with Disabilities Act* of 1990 and amended in 2008
- C. *Genetic Information Nondiscrimination Act* of 2008
- D. Section 504 of the *Rehabilitation Act* of 1973
- E. Title IX of the *Educational Amendments* of 1972
- F. Titles VI and VII of the *Civil Rights Act* of 1964
- G. *Vietnam Era Veterans' Readjustment Assistance Act* of 1974
- H. The [Missouri Human Rights Act](#) (RSMo 213)
- I. Kansas City University [Student Conduct Code](#)
- J. Kansas City University [Employee Handbook Code of Conduct](#)
- K. Kansas City University [Title IX and Sexual Misconduct](#) Policy

## III. DEFINITIONS

**A. Complainant:** Complainant is a person who has alleged to be subject to Discrimination or Harassment, for which a Report or Complaint has been made to the University.

**B. Complaint:** Complaint is a written document that includes the allegations of Discrimination or Harassment, usually informed or drafted by the Complainant. The Complaint will be used as a source of information from which the University will evaluate and process applicable steps under this Policy.

**C. Conflicts of Interest:** Any circumstance in which an individual's financial, professional, or other personal considerations may directly or indirectly affect, or reasonably appear to affect, an individual's professional judgment in exercising any University duty or responsibility under this Policy. Independent knowledge of an incident through other means or a supervisory relationship generally is not a Conflict of Interest.

**D. Discrimination:** Discrimination in employment is defined, generally, as an adverse employment action directed at a specific individual or a group of identifiable individuals based on that individual's or group's Protected Status (defined below). Discrimination in education is defined, generally, as conduct

that, based on an individual's or group's Protected Status, subjects that individual or group to treatment that adversely affects their ability to enjoy a full right to educational opportunities, including participation in academics, and/or the University's other programs and activities.

**E. Harassment:** Harassment in employment is defined, generally, as unwelcome conduct that is based on a Protected Status, where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment in education is defined, generally, as conduct motivated by an individual's Protected Status that is sufficiently severe, persistent or pervasive so as to interfere with or limit the ability of an individual to participate in or benefit from the University's programs or activities.

**F. Protected Activity:** Any action or conduct by an individual that is done in good faith to prevent or discourage conduct that is prohibited in this Policy, filing a Complaint or report, testifying, assisting or participating in any manner in the Review Process. This includes but is not limited to action taken against a bystander who intervened to stop or attempt to stop Discrimination, Harassment, sexual Harassment, sexual misconduct, domestic violence, dating violence, stalking or Retaliation. Any filing of a Complaint that is done in bad faith, and intended as retaliation against a Protected Activity in and of itself is not considered a Protected Activity due to the bad faith intent.

**G. Protected Status:** Race, religion, national origin, color, sex (gender), age, disability, marital, pregnancy or pregnancy related conditions, childbirth, veteran, sexual orientation, gender identity, shared ancestry and/or ethnic heritage, and/or other legally protected status, unless otherwise required by law.

**H. Report:** Communication made to the University by someone other than the Complainant about a person being subjected to Discrimination or Harassment. "Report" in this context refers to these initial reports, while the "Investigative Report" refers to the report made by designated investigators after investigation under this Policy, as further set out below.

**I. Respondent:** The individual alleged to have subjected one or more other person(s) to Discrimination or Harassment in the Report or Complaint to the University.

**J. Retaliation:** Any overt or covert action or conduct that is done to interfere, restrain, penalize, Discriminate, intimidate, or Harass any person or group for engaging in a Protected Activity. Retaliation requires a causal connection between the conduct or adverse action and the Protected Activity. Retaliation occurs when the conduct or action occurs with the intended consequence of dissuading the Protected Activity.

#### **IV. POLICY**

**A. Policy Statement:** In accordance with applicable law and regulations the University adopts this Non-Discrimination and Anti-Harassment Policy (the "Policy"). The University prohibits Discrimination and Harassment on the basis of Protected Status in the University's programs and activities.<sup>1</sup> The University also prohibits Retaliation for Protected Activity. This Policy applies to Reports and

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<sup>1</sup> "Programs and activities" include all operations of the University. Examples of this are admissions, academics, in-person and online educational instruction, employment, research activities, and any other activity or program that occurs on campus or on the property owned by the University. It also includes off-campus locations, events, or circumstances where the University exercises substantial control over the respondent.

Complaints of Discrimination or Harassment based on a Protected Status, and to Retaliation as relevant to this Policy.

## **B. Jurisdiction/Coverage**

1. This Policy governs Reports of Discrimination, Harassment, and Retaliation in all the University's programs and activities and applies to all members of the University community. It applies to Discrimination, Harassment, and Retaliation that occurs on campus, during an official University program or activity (regardless of location), and to off campus conduct when the conduct could deny or limit a person's ability to participate in or benefit from the University's programs or activities.

Additionally, this Policy applies to any conduct that is also subject to Student Code of Professional Conduct—reported conduct that impacts professional standards applicable to the student's course of study or those actions that substantially disrupt the University's operations are subject to this Policy, regardless of where the reported conduct occurs.

2. Such alleged misconduct also may be prohibited by the Student Code of Professional Conduct, the Employee Handbook, or other University policies and standards.

3. When this Policy does not apply to reported conduct or if other policies apply in addition to this Policy, the Equal Opportunity Coordinator may refer such conduct for review under other applicable University policies and determine in what order policies apply. Generally, other than when reported conduct is subject to the Title IX and Sexual Misconduct Policy, the review and procedures under this Policy will apply first when applicable to the reported conduct. The Equal Opportunity Coordinator and/or the Deciding Administrator (defined below), as applicable, will exercise reasonable discretion to determine which policy(ies) and related procedures to apply to reported conduct in given situations.

4. Allegations of Sex Discrimination and Sexual Harassment<sup>2</sup> as and to the extent defined by the University's Title IX and Sexual Misconduct policy ("Title IX Policy") are outside the scope of this Policy. Such allegations will be addressed under the Title IX Policy; provided however, at times, both policies may apply to reported conduct. In that case, the Equal Opportunity Coordinator will determine what policy(ies) apply and in what order. Reports and Complaints of Discrimination or Harassment that are not subject to the Title IX Policy may be addressed under this Policy or other applicable policies.

## **C. Complaints**

1. Making a Complaint. Any individual may file a Report or Complaint of Discrimination or Harassment. The University provides an intake form for anyone to fill out to make a Report or Complaint. In addition, the Equal Opportunity Coordinator may write down any verbal or written Complaint submitted using the same form. The Coordinator's information is:

Allie Bergeron  
Interim Title IX and Equal Opportunity Coordinator  
1750 Independence Ave.  
Kansas City, MO 64106  
Telephone: (816) 654-7000  
Email: [equalopportunity@kansascity.edu](mailto:equalopportunity@kansascity.edu)

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<sup>2</sup> Allegations of sexual harassment include all the elements that are listed in the University's Title IX & Sexual Misconduct policy.

2. **Required Reporting.** If information of Discrimination or Harassment covered by this Policy is shared with or made known to a University employee, who is not acting in a confidential employee capacity, the employee shall promptly report the information, preferably using the online report form, or otherwise document and forward the information to the Equal Opportunity Coordinator; the employee may also inform the Complainant that the Complainant's own written Complaint can be submitted directly to the Equal Opportunity Coordinator, but does not replace the employee's obligation to report.

### 3. Content of the Complaint

So that the University has sufficient information to review a Report or Complaint, the Report or Complaint should include the information requested in the online report form. If using other means to report, the report should include, at a minimum: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all individual(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened with who, what, when, where; (4) appropriate supporting documentation that is directly related to the Complaint; (5) a description of the desired outcome; and, (6) contact information for the Complainant so that the University may follow up appropriately.

### 4. Conduct that Constitutes a Crime

Any individual who wishes to make a Complaint of Discrimination or Harassment that also constitutes a crime – including hate crimes, assault, or property offences—is encouraged to report the conduct to University Security (Tel: (816) 654-7911 KC Campus or (417)208-0800 Joplin Campus) or local law enforcement (Emergencies: 911). If requested, the University will assist the Complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A Complainant may decline to themselves notify such authorities.

### 5. No Requirement to Confront

Individuals who file a Complaint of Discrimination or Harassment are not required to have previously confronted the alleged Respondent in any manner prior to being able to file a Complaint.

### 6. Timing of Complaint

The University encourages individuals to make Complaints of Discrimination and Harassment as soon as possible because late reporting may limit the University's ability to review, investigate, and respond to the reported conduct.

### 7. Bad Faith Complaints

While the University encourages all good faith Complaints of Discrimination and Harassment, the University has the responsibility to balance the rights of all parties. Therefore, if the University's review or investigation reveals that a Complaint was knowingly false, the Complaint will be dismissed, and the individual who filed the knowingly false Complaint may be subject to disciplinary action.

## **D. Retaliation Prohibited**

The University prohibits Retaliation against any member of the University Community for reporting Discrimination or Harassment, assisting in making a Complaint, cooperating in an investigation, or otherwise exercising their rights or responsibilities under this Policy and applicable federal, state, and local laws. Retaliation prohibited by this Policy is a materially adverse action (action that might deter a reasonable person from engaging in protected activity under this Policy), including but not limited to; disparaging comments, uncivil behavior, or other negative treatment of an employee, student, or other member of the University Community. An individual who believes they have been retaliated against in violation of this Policy should make a separate Complaint in the manner set forth in the "Making a

Complaint” section above. The University may address any such retaliation under the procedures set out in this Policy or other applicable conduct policies.

#### **E. Review, Investigation, and Confidentiality**

When a Report or Complaint of Discrimination or Harassment based on Protected Status is made pursuant to this Policy, the University will review the Complaint, determine applicable processes, and resolve the matter accordingly.

Complaints that require an investigation will be investigated in accordance with the Complaint Resolution Procedures (the “Procedures”), below.

The University does not generally keep known identities of those subject to or participating in the process anonymous. However, the University will make reasonable and appropriate efforts to protect the confidentiality of information when reviewing, investigating and/or resolving a Complaint; however, the University cannot guarantee confidentiality to those who make Complaints, Reports, or otherwise are subject to or participate in the process. As determined by the University, communications are made on a “need to know” basis to conduct a review, investigation, or to implement further action (such as remediation or sanctions). While the University endeavors to prioritize confidentiality, the University reserves the right to initiate a review or investigation and take action despite a Complainant’s request for non-disclosure based on the circumstances, including without limitation, in situations involving demonstrable risk of reoccurring prohibited conduct or other physical threat.

#### **F. Impartiality**

University officials involved in a Complaint resolution process shall be free of Conflicts of Interest for or against Complainants or Respondents generally or individually. If such an official has an actual or perceived Conflict of Interest, they shall request to recuse themselves from the Complaint Resolution process, which shall remain subject the approval of the Equal Opportunity Coordinator. A Complainant or Respondent may also challenge that an official has a Conflict of Interest by submitting such challenge in writing to the Equal Opportunity Coordinator within 3 business days of notice of the official being designated in the applicable role. Any challenge based on a Conflict of Interest must have a factual basis and not be mere speculation or disagreement. The Equal Opportunity Coordinator will decide on any such request or challenge within a reasonable time. If the Equal Opportunity Coordinator determines that a Conflict of Interest exists, the Coordinator will designate another University official to fill the role in the process.

#### **G. Resolution**

After review or investigation of a Complaint, the University will take any action it deems to be appropriate, including disciplinary and remedial action, as further described below. Any individual who is found to be in violation of this Policy will be subject to disciplinary/remedial action, which will be carried out by the head of the Human Resources department or the Vice Provost of Student Services, as discussed below.

#### **H. Limitations**

Petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior will generally not rise to the level of a Policy violation and should be addressed with a supervisor. Also, the legitimate exercise of supervisory authority, including oversight, evaluation, and requiring adherence to standards of performance, conduct, and safety, is not considered Discrimination, Harassment, or Retaliation under this Policy.

### **I. Complaint Resolution Process**

These Complaint Resolution Procedures (the “Procedures”) apply to all Reports/Complaints alleging Discrimination, Harassment, and Retaliation prohibited by the Policy for which the University Equal Opportunity Coordinator has determined appropriate for informal resolution, investigation, or corrective action.

### **J. Administration**

For purposes of these Procedures, “Investigating Officer” means one or more University officials or third parties designated by the Equal Opportunity Coordinator to investigate a Complaint. Investigating Officer(s) generally will include University employees in Human Resources, Student Services, the Provost’s Office, and/or Campus Safety. Most often, the Equal Opportunity Coordinator will appoint one or two persons for a given matter. The University may also engage an external investigator(s) depending on the circumstances. The Equal Opportunity Coordinator maintains discretion over appointment of Investigating Officer(s), depending on the reported conduct and related circumstances.

If an Investigating Officer, together with the Equal Opportunity Coordinator, determines that the Investigating Officer cannot apply these procedures fairly and impartially because of the identity of a Complainant, Respondent, or witness, or due to another Conflict of Interest the Equal Opportunity Coordinator may designate another appropriate individual as an Investigating Officer.

### **K. Neutral Implementation/Options of the Parties**

The University implements its procedures in a fair and neutral manner. For example, the Complainant and Respondent may have:

1. Opportunity to identify witnesses and other relevant evidence;
2. Opportunity to respond to allegations and responses, as applicable, and as determined necessary and relevant by the Investigating Officer(s) or the Equal Opportunity Coordinator; and
3. Opportunity to learn the outcome of a report, as applicable to the person in that position and as necessary under the circumstances.

### **L. Review, Investigation and Resolution of Complaint**

#### **1. Determination and Commencement of the Investigation**

After receiving a Complaint made pursuant to this Policy, the Equal Opportunity Coordinator will conduct a preliminary review to determine:

- i) whether the conduct, as reported, falls or could fall within the scope of this Policy;
- ii) whether the conduct, as reported, constitutes or could constitute a violation of this Policy; and,
- iii) whether resolution has or can be achieved via informal resolution.

If the Equal Opportunity Coordinator determines that the conduct reported could not fall within the scope of the Policy, and/or could not constitute a violation of this Policy, even if investigated, the Equal Opportunity Coordinator will close the matter and may notify the reporting party. The Equal Opportunity Coordinator should document how the determination of the reported incident does not fall within the scope of the Policy. The Equal Opportunity Coordinator may refer the Complaint to other University offices, as applicable.

If the Equal Opportunity Coordinator determines that the conduct reported could fall within the scope of the Policy, and if true, could constitute a Policy violation, the Equal Opportunity Coordinator will

proceed with facilitating the Procedures, either an informal resolution or an investigation, as set forth below.

Where the Equal Opportunity Coordinator recommends an investigation and appoints Investigating Officer(s), such Officer(s) will commence an investigation within a reasonable time. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and whether the conduct that more likely than not occurred constitutes a violation of the Policy.

In certain circumstances, the Equal Opportunity Coordinator may commence an investigation or other action even if the Complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer(s) will take reasonable steps to investigate and respond to the matter in a manner that is informed by the Complainant's articulated concerns.

## 2. The Content of the Investigation

During the investigation, the Complainant will have the opportunity to describe their allegations and identify supporting witnesses or other evidence. The Respondent will have the opportunity to respond to the allegations and identify supporting witnesses or other evidence. The Investigating Officer will review statements and, depending on the circumstances, may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the Complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information. The University may compel employees to participate in any process under this Policy.

## 3. Interim Measures

At any time during the investigation, the Equal Opportunity Coordinator may determine that interim measures for the parties involved or witnesses are appropriate. These interim measures may include, but are not limited to: separating the parties, placing limitations on contact between the parties, temporary reassignment of supervisory relationships, making alternative class or workplace location-placement, or administrative leave. Supervisors, staff advisors, and other University employees may be notified of interim measures if their notification is necessary to ensure the interim measures are appropriately observed. Failure to comply with the interim measures may constitute a separate violation of University policies.

## 4. Findings of the Investigation

At the conclusion of the investigation, the Investigating Officer will prepare a preliminary written Investigative Report. The Investigative Report will explain the scope of the investigation and set out the facts, if any, that were substantiated by a preponderance of the evidence, with any appropriate explanations. The Investigating Office will also determine, based on those facts, and include in the Investigative Report whether a violation of the Policy occurred and recommend sanctions in cases where a violation was found. The Investigating Officer shares the Investigative Report with the Equal Opportunity Coordinator. The Equal Opportunity Coordinator will provide feedback (if any) with the Investigating Officer(s), who will take appropriate steps and then finalize the Report.

Once the Report is finalized, the Equal Opportunity Coordinator will inform the Complainant and Respondent of the general basis for and outcome of the investigation, and to the extent applicable and appropriate, any sanctions and remedial measures (which will be determined in consultation with the head of Human Resources for employee respondents, and with the Vice Provost of Student Services for student respondents).

If there is a determination after an investigation that the behavior investigated did not violate the Policy, the Equal Opportunity Coordinator will inform the parties.

In cases where the Investigating Officer finds one or more violations, the Equal Opportunity Coordinator will provide access to the final Investigative Report and related evidence to the Deciding Administrator to decide on sanctions and remedial measures.

#### 5. Deciding Administrator Decision on Sanctions and Remedial Measures (after violation)

The Deciding Administrator's determination on sanctions and remedial measures should be made in writing and provided to the parties within a reasonable time, preferably within 15 business days of receiving the final Investigative Report.

The Deciding Administrator shall be the head of Human Resources (for employee Respondents) or Vice Provost, Student Services (for student Respondents). For other Respondents, such as a guest or other volunteer, the Equal Opportunity Coordinator will appoint an administrator to serve as the Deciding Administrator, depending on the circumstances alleged.

A Deciding Administrator may also serve as an Investigating Officer and participate in the making of the Report; such role is not a Conflict of Interest. Whether these administrators serve in that role for a given matter, or solely as a Deciding Administrator, is within the reasonable discretion of the Equal Opportunity Coordinator, as described above.

If it is determined that a Respondent has violated this Policy, the Deciding Administrator will include in the written decision any steps/sanctions designed to prevent reoccurrence of the conduct that violates this Policy. An individual found to have violated this Policy is subject to disciplinary sanctions, including without limitation: written reprimand, probation, suspension, demotion/reassignment, termination, or dismissal; contractors may be subject to contract termination or removal from the campus; program participants may be removed from the University and/or prevented from returning to campus. Remedial steps may also include, but are not limited to: counseling for the Complainant; academic, work, transportation, or living accommodations for the Complainant; separation of the parties; adjustments to leave; mediation; education; and training for the Respondent and other individuals.

Provided however, if the Deciding Administrator determines that termination of employment is an appropriate sanction for a violation of this Policy, the Deciding Administrator will first give notice of the proposed employment termination action to the Respondent, along with any other proposed sanctions. The Respondent then has 3 business days to give written input on the proposed sanction(s) to the Appeals Officer; the Respondent may include relevant information and should be guided by the listed grounds for appeal in Section O.1 Grounds of Appeal below. The Appeals Officer may consider the Investigative Report and any relevant information, including that provided by Respondent and the Deciding Administrator, but the Appeals Officer does not conduct a new investigation. Within their sole discretion, the Appeals Officer may request a meeting to clarify or otherwise consider relevant information. Within a reasonable time after the Respondent provides written input, the Appeals Officer issues a written determination on sanctions and remedial measures. If Respondent does not provide written input to the Appeals Officer within 3 business days of the Deciding Administrator's notice of proposed employment termination action, then the Deciding Administrator proceeds with issuing a written determination on sanctions and remedial measures; in that instance, the Deciding Administrator's written determination is the final decision of the University and not subject to appeal.



## 6. Other University Policies

The University recognizes that in some cases there may be a determination that the conduct investigated did not violate this Policy, but was unprofessional or violated or potentially violated some other University policy. The Equal Opportunity Coordinator and/or the Deciding Administrator may determine that such information warrants referral to another appropriate administrator to address inappropriate behavior that merits discipline, and/or implement ongoing monitoring, coaching, or other appropriate action.

## 7. Reoccurrence

Once the University has addressed concerns raised with respect to Discrimination, Harassment and/or Retaliation, it will assume that the problem is not continuing in nature unless it is informed otherwise. Members of the University Community who believe they have again been Discriminated against and/or Harassed in violation of this Policy must report this reoccurrence immediately pursuant to this Policy.

### **M. Special Procedure Concerning Certain Complaints**

If a Complaint involves alleged conduct on the part of the University President, Chair of the University Board of Trustees will designate an appropriate third-party to conduct the investigation required by these Procedures. The written report of the investigation will be presented to the full Board of Trustees, which will prepare and issue the written determination (with preparation duties as designated by the Chair) and implement any appropriate and reasonable measures. The resolution issued by the full Board of Trustees is final and not subject to appeal.

If a Complaint involves alleged conduct on the part of Equal Opportunity Coordinator, other administrator with supervisory authority over the Equal Opportunity Coordinator, or the Provost, the President will designate an appropriate employee or a third-party to conduct the investigation required by these Procedures. If the Complaint involves alleged conduct by another person with a role under these Procedures, the Chief Financial Officer will designate an appropriate employee or third-party to conduct the investigation required by these Procedures. The written Investigative Report shall be presented to an appropriate administrator, such as the Respondent's supervisor, ("Designated Administrator"), who will prepare and issue the written determination and implement appropriate and reasonable measures. The resolution issued by the Designated Administrator is not subject to appeal.

### **N. Informal Resolution**

Informal means of resolution, such as mediation or a written informal resolution agreement, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used if all parties consent and the Equal Opportunity Coordinator approves of informal resolution. Either party or the Equal Opportunity Coordinator may terminate the informal resolution and insist on a formal investigation and determination, at any time, prior to the conclusion of the informal resolution process. The Equal Opportunity Coordinator may designate another University official to facilitate any information resolution.

### **O. Appeals**

#### 1. Grounds of Appeal

Unless otherwise decided by the Appeal Officer, all sanctions (if any) become effective immediately, regardless of whether a party appeals, unless otherwise decided by the applicable Appeals Officer.

The Complainant may appeal a finding of no violation by submitting to the Equal Opportunity Coordinator in writing within 10 days of the written final report date. The Respondent may file an

appeal of a violation finding by submitting it to the Equal Opportunity Coordinator in writing within 10 days of the notification of the outcome after investigation. If the Respondent agrees to the finding of a violation, but has reason to believe the sanctions/remedial measures are unfair or unwarranted, then the Respondent can also file an appeal with the Equal Opportunity Coordinator to review the sanctions.

Notwithstanding the foregoing, given the advance opportunity to respond to a proposed employment termination action as described in a preceding section of this Policy, any decision that includes an employment termination may not be appealed.

The appeal from either party will need to reference in their appeal information regarding the grounds on which they are electing to appeal the decision, and it must fall within one of the following categories:

- a. A procedural irregularity affected the outcome;
- b. There is new evidence that was not reasonably available at the time of the determination, that could have affected the outcome, University officials involved in the investigation, or the determination had a Conflict of Interest concerning complainant or respondent;
- c. There was a significant misapplication of this Policy by the Equal Opportunity Coordinator, Investigative Officer(s), or Deciding Administrator that materially affected the outcome, such as the findings or sanctions imposed;
- d. Objective and demonstrable evidence demonstrates the sanctions and/or remedial measures are insufficient to prevent the occurrence of Discrimination or Harassment or not commensurate with the factual findings of conduct.

## 2. Method of Appeal

Appeals must be filed with the Provost (if the Respondent is a student) or the Chief Financial Officer (if the respondent is a non-student) (the "Appeals Officer") within ten (10) days of receipt of the written determination of the Complaint. The appeal must be in writing and include the following:

- a. Name of the Complainant,
- b. Name of the Respondent,
- c. A statement of the resolution of the Complaint, including corrective action if any,
- d. A detailed statement of the basis for the appeal from section IV.O.1.a-d including the specific facts, circumstances, the basis for the appeal and argument in support of it, and
- e. Requested action, if any.

## 3. Resolution of the Appeal

The Appeals Officer will resolve the appeal within a reasonable time and may take any and all actions that they determine are in the interest of a fair and just decision; provided however, the Appeals Officer will not conduct a new investigation, nor overturn credibility determinations within the Investigative Report, absent compelling circumstances that demonstrate a material and gross error.

The decision of the Appeals Officer is final. The Appeals Officer shall issue a concise, written statement of the resolution of the appeal, including any changes made to the previous written determination. The written statement shall be provided to the party who appeals and the Equal Opportunity Coordinator. The Appeals Officer has discretion to provide a copy to the other party, such as if the other party is impacted by the outcome of the appeal.

## P. Training

The procedures listed in this Policy will be implemented by officials who receive training on the issues related to Discrimination, Harassment, and on how to conduct processes in accordance with this Policy and applicable law.

**Q. Discretion in Application.** The University retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the parties. Despite the University's reasonable efforts to anticipate all eventualities in drafting this Policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the University retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable. The provisions of this Policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this Policy at any time, and for any reason. The University may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

## **V. RELEVANT FORMS/LINKS**

[Antidiscrimination Intake Form](#)

[Nondiscrimination Statement](#)

## **VI. QUESTIONS**

Any questions related to this Policy should be directed to the Equal Opportunity Coordinator at [equalopportnity@kansascity.edu](mailto:equalopportnity@kansascity.edu).