

HB 573 -- DUE PROCESS PROCEEDINGS IN HIGHER EDUCATION

SPONSOR: Dohrman

This bill defines "institution of higher education" and provides, students in higher education, due process protections and allows students to request that Federal Title IX procedural hearings be heard before the Administrative Hearing Commission (Section 173.1898 RSMo).

This bill allows students to request a hearing for formal Title IX complaints to the Administrative Hearing Commission. Hearing procedures are set forth in the bill and will follow methods used in Missouri civil cases (Section 173.1900).

This bill allows any students in an institution of higher education past or present that has received a disciplinary action in a Title IX case to appeal to the Administrative Hearing Commission (Section 173.1905).

The Administrative Hearing Commission shall compile relevant statistics on the cases it hears (Section 173.1907).

This bill provides institutions of higher education guidance for Title IX formal complaints. This guidance includes interim measures that avoid depriving any student of education during investigation and resolution of the formal complaint.

Notice of the right to request a hearing before the Administrative Hearing Commission must be provided.

This bill sets forth hearing procedures for Title IX formal complaints.

To reach a determination of responsibility, the decisionmaker or decisionmakers shall apply the clear and convincing evidence standard (Section 173.1910).

The bill specifies that failure to provide due process for a Title IX proceeding will entitle students to a civil cause of action. It will be considered a breach of contract for the institution of higher education and be considered an illegal act by the Attorney General for purposes of investigation (Section 173.1915).

This bill authorizes the Attorney General to investigate alleged or suspected violations and impose the fine of \$250 thousand dollars for violations of a student's due process. The bill further outlines information that should be collected regarding procedures and policies for formal complaints (Section 173.1925).

The bill defines "exempt record" and "personally identifiable information," and provides that any record related to a Title IX formal complaint or investigation would be considered an exempt record (Section 173.1930).

The bill contains an emergency clause.