

Findings, Sanctions and Remedial Actions



Findings of the Hearing Panel under 600.030 and 600.040

- Hearing panel will deliberate with no others present, except legal advisor.
- Majority decision required.
- Keep in mind standard of proof.
- Within 5 days of the end of deliberations the Hearing Officer or Panel Chair will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions, if any (“Hearing Panel Decision”), and deliver it to the Title IX Coordinator (or Provost if faculty) detailing the following:
 - Identification of the allegations.
 - A description of the procedural steps;
 - Findings of fact supporting the determination;
 - Conclusions regarding the application of the policies to the facts;
 - Statement of and rationale for the result as to each on each allegation
 - If panel finds Respondent responsible, report should include sanctions and remedies, if any.
 - The procedures and permissible bases for the Complainant and the Respondent to appeal.

Possible Findings

- There is sufficient evidence to find Respondent responsible for the policy violation based on the preponderance of the evidence.
 - It is more likely than not that Respondent violated the policy.
- There is insufficient evidence to find Respondent responsible for the policy violation based on the preponderance of the evidence.
 - It is not more likely than not that Respondent violated the policy.

Sanctions and Remedial Actions

- Factors to consider when finding sanctions or remedial actions include:
 - The nature, severity of, and circumstances surrounding the violation;
 - The disciplinary history of the Respondent;
 - The need for sanctions/ remedial actions to bring an end to the conduct;
 - The need for sanctions/ remedial actions to prevent the future recurrence of the conduct; and
 - The need to remedy the effects of the conduct on the Complainant and the University community.
- Findings and sanctions are subject to appeal

Types of Sanctions for Student Respondents

- Warning
- Probation
- Loss of Privileges
- Restitution
- Discretionary Sanctions such as work assignments, services to the University or other related discretionary assignments
- Residence Hall Suspension
- Resident Hall Expulsion
- Campus Suspension
- University System Suspension
- University System Expulsion (not eligible for online courses)

Sanctions for Employees who are Respondents

- Warning
- Performance improvement Plan
- Required counseling
- Required training or education
- Loss of annual pay increase
- Loss of supervisory responsibility
- Recommendation of discipline in a training program
- For Non-Regular Faculty, immediate termination of term contract and employment;
- For Regular, Untenured Faculty, immediate termination of term contract and employment;
- Suspension without pay;
- Non-renewal of appointment;
- For Regular, Tenured faculty, suspension without pay, removal from campus and referral to the Chancellor to initiate dismissal for cause;
- For staff, demotion;
- For staff, termination.

Remedial Actions

- If Complainant is a student:
 - Permitting the student to retake courses;
 - Providing tuition reimbursement;
 - Providing additional academic support;
 - Removal of a disciplinary action; and
 - Providing educational and/or on-campus housing accommodations.
- If Complainant is an employee:
 - Removal of a disciplinary action;
 - Modification of a performance review;
 - Adjustment in pay;
 - Changes to the employee's reporting relationships; and
 - Workplace accommodations.

Questions?