

University of Missouri

Equity Sanction Guide for Staff Respondents

The following Sanction Guide is for proceedings pursuant to 600.050 of the University of Missouri Collected Rules and Regulations against Respondents who are Staff members. Please note that this Sanction Guide should only be considered after a finding of responsibility has been made against a Respondent. This Sanction Guide has been developed to offer general sanctioning recommendations for violations of CRR 600.050, and to promote a level of consistency when imposing sanctions against Staff Respondents.

The suggested range of sanctions for any particular alleged violation of policy is just a suggestion; **at all times the full range of sanctions is available in any specific matter.**

The appropriate sanction in any one matter depends on the specific facts and circumstances in that matter. Decision-makers should use their professional judgement when determining an appropriate sanction, carefully weighing the facts and circumstances, and taking into consideration any mitigating and aggravating factors that may exist in any particular matter.

CONSIDERATIONS FOR SANCTIONING:

- The full range of sanctions for Staff under CRR 600.050 is available for imposition for each violation of policy.
- More egregious violations should receive more severe sanctions, while less egregious violations should receive less severe sanctions, within the range of sanctions.
- More than one sanction may be imposed for a single violation.

Mitigating Factors: Information or evidence presented to the decision-maker regarding the Respondent or the circumstances that does not bear on the question of responsibility, but that receives consideration in lessening the severity of the sanction.

Examples: Genuine remorse.

The conduct was committed in error, by mistake, or was clearly unintentional.

A request for leniency by the Complainant.

The Respondent's conduct did not exhibit a deliberate disregard for the dignity and autonomy of the Complainant, but instead appeared to be an error in judgment.

Aggravating Factors: Information or evidence presented to the decision-maker that increases the severity of a sanction.

Examples: The Respondent has prior conduct violations.

Lack of contrition.

The Respondent was in a position of power or authority over the Complainant.

The Respondent's conduct included the use of force or physical violence, or the intentional administration of a drug or substance to the Complainant without Complainant's knowledge.

CONDUCT VIOLATION:

Discrimination or Harassment: Adversely affects a term or condition...

Definition from 600.010: Conduct that is based upon an individual's race, color, national origin, ancestry, religion, sexual orientation, age, disability, protected veteran status, including sex discrimination as defined below, or any other status protected by applicable state or federal law that *adversely affects a term or condition of employment, education, living environment or participation in a University activity.*

Suggested Sanctions (listed in order of severity):

Warning < Suspension without pay < Termination

Definitions of Suggested Sanctions:

- Warning: Verbal or written notice to the Respondent that there is or has been a violation of institutional regulations, and cautioning that if there are further violations, the existence of the Warning may result in more severe sanctions in the future.
- Suspension without pay: Separation of the Respondent from employment without pay for a definite period of time, after which time the Respondent is eligible to return.
- Termination: Ending of employment of the Respondent.

Other possible sanctions:

- 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, including recommendation of termination, suspension or other corrective or remedial actions
- Demotion: Reduction in the rank or status of the Respondent.

CONDUCT VIOLATION:

Discrimination or Harassment: Hostile Environment

Definition from 600.010: Conduct that is based upon an individual's race, color, national origin, ancestry, religion, sexual orientation, age, disability, protected veteran status, including sex discrimination as defined below, or any other status protected by applicable state or federal law that *creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability to participate in or benefit from the University's educational programs, activities, or employment.*

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- Demotion: Reduction in the rank or status of the Respondent.

DEFINITION OF SEX DISCRIMINATION:

Sex discrimination is conduct that is based upon an individual's sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of employment, education, living environment or participation in a University education program or activity. Sex discrimination also includes sexual harassment that meets the substantive definition of sexual harassment as defined in CRR 600.020 that occurs outside the University's education programs, activities, or employment, or occurs outside the United States, but nonetheless has an effect that interferes with or limits any person's ability to participate in or benefit from the University's education programs, activities or employment.

Sex discrimination includes workplace sexual harassment which is conduct that creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability to participate in or benefit from the University's education programs, activities or employment.

Sex discrimination includes discrimination that does not involve conduct of a sexual nature.

Definitions under CRR 600.020 (suggested sanctions are listed in order of severity):

- Quid Pro Quo: An employee of the University condition(s) the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

Suggested Sanction: Termination

- Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Suggested Sanctions: Warning < Suspension without pay < Termination

- Sexual Assault: Any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest and statutory rape.

Suggested Sanction: Termination

- Dating Violence: Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Suggested Sanctions: Suspension without pay < Termination

- Domestic Violence: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

Suggested Sanctions: Suspension without pay < Termination

- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Suggested Sanctions: Suspension without pay < Termination