Findings, Sanctions and Remedial Actions

November 2022

Findings of the Hearing Panel

- Hearing panel will deliberate with no others present, except legal advisor.
- Majority decision required.
- Standard of proof is **preponderance of the evidence**.
- Within 5 business days of the end of deliberations the Hearing Officer/Hearing Panel Chair will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions. (Any “Hearing Panel Decision” and related to the Title IX Coordinator/Equity Officer or Provost if faculty) including 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.

- Refer to the Sanction Guides for suggested sanctions.

### 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, Un tenure 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:
  o Permitting the student to retake courses;
  o Providing tuition reimbursement;
  o Providing additional academic support;
  o Removal of a disciplinary action; and
  o Providing educational and/or on-campus housing accommodations.

▪ If Complainant is an employee:
  o Removal of a disciplinary action;
  o Modification of a performance review;
  o Adjustment in pay;
  o Changes to the employee’s reporting relationships; and
  o Workplace accommodations.