

Sanctions & Remedial Measures



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Refresher

1. Sanctions:

- Applies to the Respondent
- To prevent future acts of discrimination or harassment in our educational programs, activities, and employment

2. Remedial Measures

- Applies to the Complainant
- To address the effects of the violations of the University's anti-discrimination policies



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Who Decides the Sanctions?

Title IX

- Students
 - Faculty
 - Non-MUHC Staff
- } Hearing Panel
- MUHC Staff → AMC

CRR 600.030(S)

Equity

- Students → Hearing Panel
- Faculty → Provost
- Staff → Equity HR & Supervisor
- University → Equity Officer & Administrator

CRR 600.040(S); 600.050(R)



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Sanctions: Factors to be Considered

- Is there a minimum sanction for this violation established in the sanctioning guide?
- The nature, severity, and circumstances surrounding the violation
- Need to prevent reoccurrence of the violation
- Need to bring an end to the conduct
- The disciplinary history of the Respondent
- The Impact of the effect on the Complainant or University community



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Examples of Mitigating vs Aggravating Factors

- Genuine remorse.
- The conduct was committed in error, by mistake, or was clearly unintentional.
- A request for leniency by the Complainant.
- Conduct was an error in judgment.

- Lack of contrition.
- The Respondent has prior conduct violations.
- The Respondent was in a position of power or authority over the Complainant.
- Conduct included the use of force or physical violence, or the intentional administration of a drug or substance to the Complainant.



The Sanctioning Guide

If the hearing panel finds a Respondent Responsible for Sexual Assault under 600.020.B.c

- The Respondent cannot remain on campus
- Suspensions can be time limited

If the panel struggles to impose a suspension, it's worth it to go back and reconsider the responsibility question.

- The panel can find that the actions of the respondent were inappropriate, but do not rise to the level of a title IX violation.
- If this is true, the panel can submit the case to student conduct for hearing and sanctioning under that process.



Examples of Student Sanctions - Guide

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

- 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 < Probation < Suspension < Expulsion

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

Suggested Sanctions: Suspension < Expulsion

- 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: Probation < Suspension < Expulsion



Examples of Student Sanctions

Added Requirements

- Warning
- Probation
- Restitution to University
 - Service, money, or materials
- Discretionary Work
 - Work Assignment/Essay
 - Community Service
 - Educational Programming
 - Counseling
- Non-Contact



Exclusions

- Loss of Privilege(s)
 - Access to campus email, parking, rec center, dining, etc.
- Suspension from:
 - Residence Hall
 - Specific Campus
 - Entire System
- Expulsion from:
 - Residence Hall
 - Entire System
- Withdraw of Recognition



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Examples of Faculty Sanctions

Added Requirements

- Warning
- Written reprimand in personnel file
- PIP
- Training/Education
- Counseling
- Move Office/Workspace
- Non-Contact



Losses

- Loss of annual pay increase
- Loss of privileges/duties
- Suspension
- Excluded from areas of campus
- Non-Renewal (NTT)
- Recommend termination (Tenured)



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Examples of Staff Sanctions

Added Requirements

- Warning
- Written reprimand in personnel file
- PIP
- Training/Education
- Counseling
- Move Office/Workspace
- Non-Contact



Losses

- Loss of annual pay increase
- Loss of privileges/duties
- Demotion
- Suspension
- Excluded from areas of campus
- Termination



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Remedial Actions

Student Complainant

- Retake a course
- Tuition reimbursement
- Remove a disciplinary action
- Educational accommodation
- On-Campus housing accommodation

Employee Complainant

- Remove disciplinary action
- Modify a performance review
- Adjustment in pay
- Change reporting relationship
- Workplace accommodation

Offer or require training and/or monitoring as appropriate to address effects of violations



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