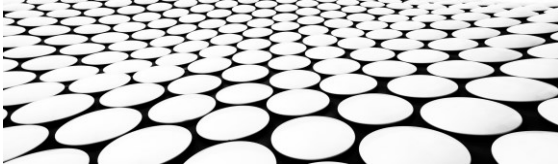


WRITING THE DECISION

UNIVERSITY OF MISSOURI



DECISION ELEMENTS (CRR 600.030)

- Date, time, location, participants in the hearing
- Decision on any preliminary matters
- Findings based on the preponderance of the evidence by a majority vote of the panel
- Statement of the evidence in support of the findings
- Statement of any information excluded from consideration
- Statement of how each member votes
- Statement of sanctions

SOME THINGS TO CONSIDER WHEN WRITING THE DECISION

- The decision needs to be written so that someone who is not familiar with the case can understand what happened.
- Follow the template.
- You have to set forth findings of fact and cite the support for those findings. A conclusion that a policy was violated is not a finding of fact.
- Avoid using charged or inflammatory language in the decision.
- Be as precise as possible.
- Be consistent in how you are referring to individuals or places in the decision.
- Avoid using pronouns as they can be confusing, but if you do use pronouns, make sure you are using the correct pronouns for the individual.

SANCTIONS: FACTORS CONSIDERED

- 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 discrimination, harassment and/or retaliation;
- The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation; and
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

EXAMPLES OF SANCTIONS IN STUDENT MATTERS

- **Expulsion**
- **Suspension for a fixed period of time**
 - From MU or the entire MU System
 - Implemented in conjunction with discretionary sanctions
- **Dismissal**
 - Requirement to request readmission
 - Determination at a later point based upon evidence of remediation
- **Trespass someone from campus**
- **Limit their access to certain areas of campus**
 - Residence Halls
 - Campus Dining
 - Parking Structures
 - Colleges
 - Rec Center

EXAMPLES OF SANCTIONS IN STUDENT MATTERS (CON'T)

- **Completion of Programs related to the conduct violation**
 - BASICS
 - Implicit Bias Training
 - Programs as directed by OORT9
- **Probation**
- **No contact with Complainant**
 - Or witnesses
- **Verbal or Written Warning**
- **Restitution**
- **Loss of privileges (access to campus wifi, email, parking)**
- **Withdrawal of recognition (of a student organization)**
- **Other discretionary sanctions: Community service (most likely used in non-sexual misconduct matters), reflection paper, personal growth/development plan/essay, etc**
 - Fixed period of time or until graduation

EXAMPLES OF SANCTIONS IN FACULTY MATTERS

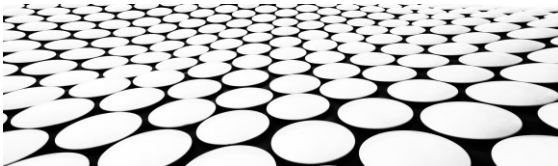
- Recommend termination
- Recommend removal from appointed position
 - Department Chair
- No contact with Complainant
 - Or witnesses
- Move office locations
- Prohibited from certain buildings or areas of campus
- Written reprimand in personnel file
- Remove supervisory or evaluative duties from Respondent over Complainant or others involved

EXAMPLES OF SANCTIONS IN FACULTY MATTERS (CON'T)

- Verbal or written warning
- Performance Improvement Plan
- Required training/education
- Loss of annual pay increase
- Suspension without pay
- Nonrenewal of appointment
- Adjustment/loss of privileges/duties (e.g. cannot advise a student group or lead a study abroad program or serve on a particular committee or attend certain types of department functions, etc.)

DELIBERATIONS

UNIVERSITY OF MISSOURI



HEARING PANEL DELIBERATIONS (CRR 600.030 Q.12)

- The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Respondent is responsible or not responsible for the policy violation(s) in question.
 - The most difficult part of the process
 - Often comes down to an assessment of credibility
 - Incomplete information is the norm
 - Quality of questioning during hearing is critical
 - Panels rarely see the clear cut cases
- The Hearing Panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation).
- If a Respondent is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine appropriate sanctions and remedial actions by a majority vote.

GOAL - CLARITY OF ANALYSIS

Charges ➡ Evidence ➡ Findings ➡ Decision