

Findings, Sanctions and Remedial Actions

November 2022



University of Missouri System
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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, if any ("Hearing Panel Decision"), and deliver it to the Title IX Coordinator/Equity Officer (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.

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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.

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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

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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)

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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.

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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.
