Making the Decision: Implicit Bias & Deliberations

Equity & Title IX Annual Training

August 2024



Decision Making Process

Receive Evidence



	Decision Making Process
1	Receive Evidence
2	Determine Responsibility
3	
4	



	Decision Making Process
1	Receive Evidence
2	Determine Responsibility
3	Sanctions & Remedial Measures
4	

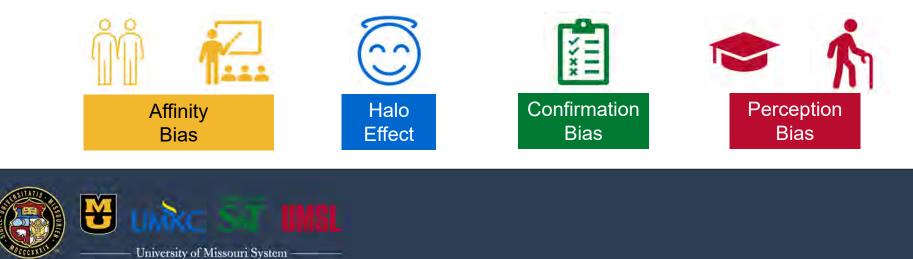






Implicit Bias

- Implicit or unconscious bias is defined as "the process of associating stereotypes or attitudes toward categories of people without our conscious awareness."
- Mitigate through awareness



Deliberations

Mission: Determine whether the Respondent is responsible for any violations of University policies and, if so, what sanctions and/or remedial actions are appropriate.

In the room where it happens

Two-Step Process

- 1. Responsibility
- 2. Sanctions & Remedial Actions





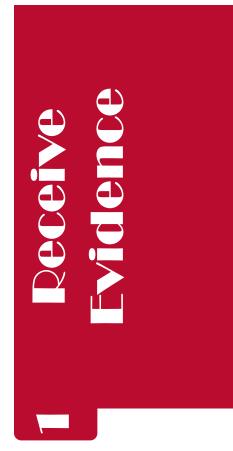
Standard: Preponderance of the Evidence



Facts: Whether each fact is more likely true than not.

Responsibility: Whether, given the facts found, the Respondent is more likely responsible than not for violating a University Rule.





1. Before the Hearing

- Read, listen, or watch all the evidence
- Consider what else you'd like to know
- Note issues, but keep an open mind
- 2. At the Hearing
 - Read, listen, or watch all the evidence
 - ASK QUESTIONS
 - Note issues, but keep an open mind



- 1. Find Facts
 - Credibility
 - Incomplete information (did you ask questions during the hearing?)
- 2. Apply Facts to Policy
 - Consider each element of the policy
 - Quid Pro Quo An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. CRR 600.020(B)(1)(a)
 - If found facts supporting each element of policy by a preponderance of the evidence, find responsible.



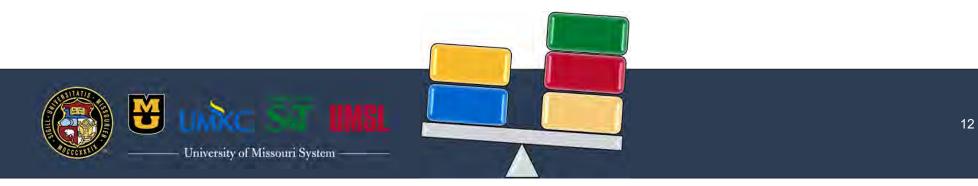


- 1. Sanctions:
 - Applies to the Respondent
 - To prevent and eliminate impermissible discrimination and harassment in our educational programs, activities, and employment.
- 2. Remedial Measures:
 - Applies to the Complainant
 - To address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant.

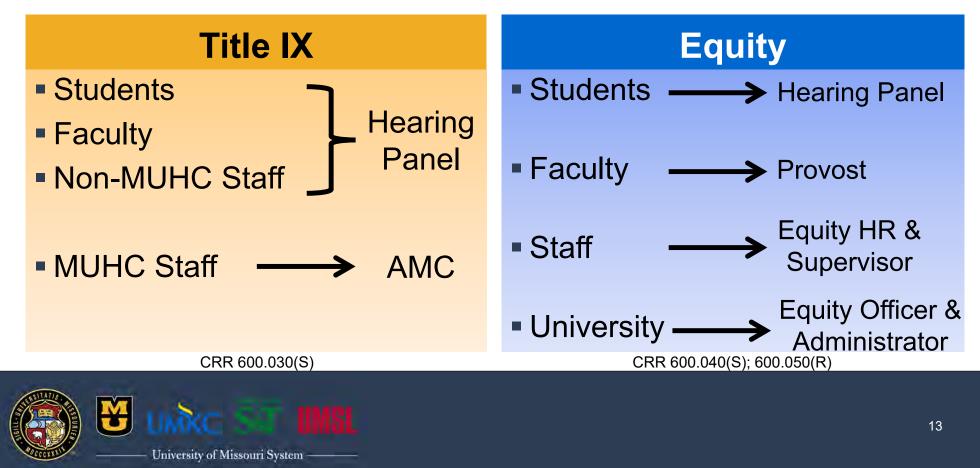


Sanctions: Factors to be Considered

- 1. Nature, severity of, and circumstances surrounding the violation
- 2. Disciplinary history of the Respondent
- 3. Need for sanctions to bring an end to the conduct
- 4. Need for sanction to prevent future recurrence of the conduct
- 5. Need to remedy the effects of the conduct on the Complainant or University community



Who Decides the Sanctions?



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



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)



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



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











University of Missouri System -----

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