# 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	

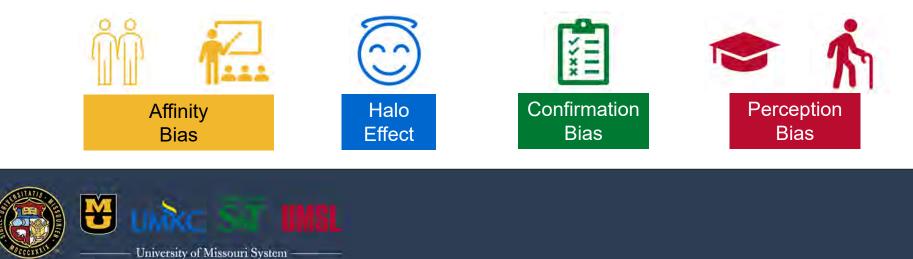






# **Implicit Bias**

- 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





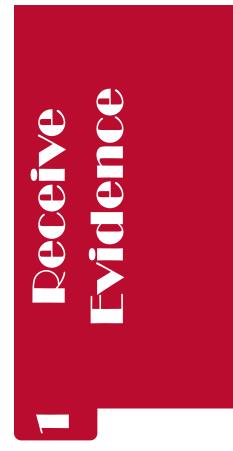
### Standard: Preponderance of the Evidence



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.





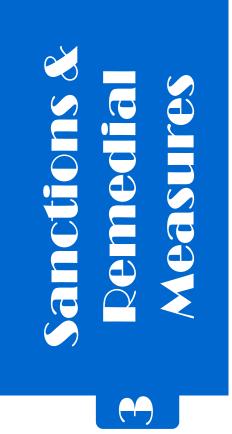
#### 1. Before the Hearing

- 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.



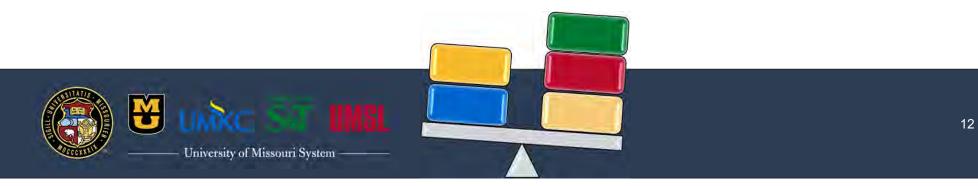


- 1. Sanctions:
  - Applies to the Respondent
  - To prevent and eliminate impermissible discrimination and harassment in our educational programs, activities, and employment.
- 2. Remedial Measures:
  - Applies to the Complainant
  - To address the effects of the violation(s) of the University's Anti-Discrimination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

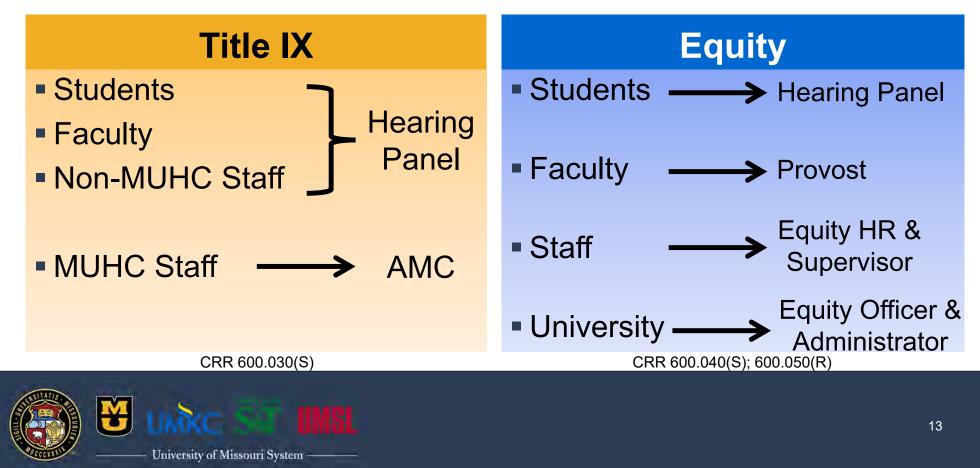


# Sanctions: Factors to be Considered

- 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











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