


**James Madison University:
Panel Member Training**

Kylie E. Stryffeler
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Meet your Directors!



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Disclaimers



- I am not giving you legal advice
- Consult with your legal counsel regarding how best to address a specific situation
- Feel free to ask general questions and hypotheticals
- If you did not receive your slides by email, we will post a link in the chat box. Please download and save them!
- This is an hearing panel member training and is not intended to satisfy your annual Title IX & Clery training requirements

Presentation Rules



- Seriously – questions are encouraged!
- “For the sake of argument...”
- Be aware of your own responses and experiences
- Follow-up with someone if you have questions and concerns
- Take breaks as needed

Topics for This Training



- The Role of the Hearing Panel
- Planning Questions
- A Live Hearing
- How to make a “Good” Decision
- Conflicts of Interest/Bias

Note: This training touches on the hearing process for Title IX and NON-Title IX matters.


Topics for the Panel Chair 

- Relevance
- Decorum
- Mock Hearing



Role of the Hearing Panel



Overarching Themes 

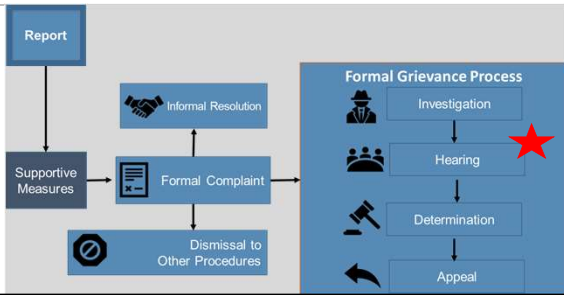
- "Follow your policies. Follow your process."
- Monitor the emotional temperature of the case.
- Be mindful of any language (used by the panel) that might suggest predetermination (e.g. perpetrator, victim).

Ethic of Care for the Process



- Prompt
- Equitable
- Confidential
- Accessible
- Retaliation-Free

The Process (Generally)



JMU Policies



- EEO/Non-Discrimination
 - Policy 1302 – Equal Opportunity and Non-Discrimination
 - Policy 1324 - Discrimination and Retaliation Complaint Procedures (Other than Title IX Sexual Harassment (Policy 1346) and Sexual Misconduct (Policy 1340))
- Sexual Misconduct/Harassment
 - Policy 1340 – Sexual Misconduct Policy
 - Policy 1346 – Title IX Sexual Harassment

Title IX and Sexual Harassment Process



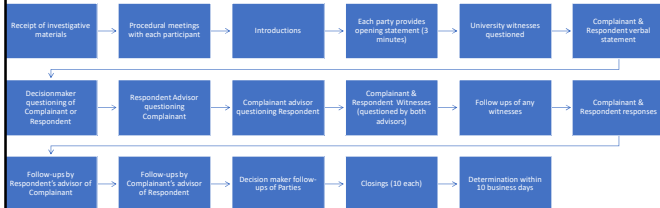
- Processes for Student Respondents
 - If the allegations that are the focus of the complaint fall under [Policy 1340](#), then the [Sexual Misconduct Accountability Process administered by OSARP](#) will be used.
 - If the allegations that are the focus of the complaint fall under [Policy 1346](#), then the [Title IX Sexual Harassment Adjudication Process administered by OSARP](#) will be used.
- Employee Respondents
 - Academic Affairs will use the process detailed [on their website](#).
 - Human Resources will use the process detailed [on their website](#).

Title IX Sexual Harassment (1346)



- Sexual Assault (including: Rape, fondling, incest, statutory rape)
- Sexual Harassment (including: Quid pro quo, unwelcome conduct, and sexual assault, dating violence, domestic violence, stalking)
- Retaliation

Title IX Sexual Harassment



Title IX Process Takeaways



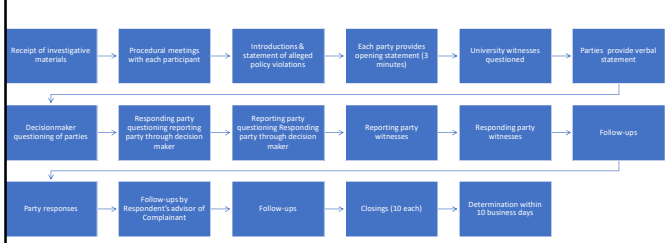
- MUST allow for cross exam of the other party and witnesses
- MUST be done live, orally, and in real time
- MUST allow the parties to have an advisor of their choosing
- Advisor MUST be permitted to ask questions of the other party
- MUST be done by someone other than the investigator/Title IX Coordinator
- MUST Provide a Written Determination
- CAN permit opening and closing statements


Sexual Misconduct (Policy 1340)




- Sexual Assault (including: Rape, fondling, incest, statutory rape)
- Sexual Harassment (including: Quid pro quo, unwelcome conduct, and sexual assault, dating violence, domestic violence, stalking)
- Non-consensual sexual relationships
- Sexual exploitation
- Sexual violence
- Retaliation

Sexual Misconduct Accountability Process




Title IX and Sexual Misconduct: Process differences 

<p>Questioning of the other party (i.e. Cross – Examination) Title IX: through advisor Sexual misconduct: Through decision-maker</p>	<p>Party roles: Complainant = Reporting party Respondent = Responding party</p>
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Title IX & Sexual Misconduct Processes: Similarities 

Opportunity to meet with panel first	Opening statements	Closing statements
Questioning of parties, witnesses, and university witnesses	Follow-ups as needed	Both parties get chance to call witnesses

OEO Process 

- Protocol: <https://www.jmu.edu/oao/policies-and-laws/oao-hearing-panel-protocols.shtml>
- Policy: <https://www.jmu.edu/jmu-policy/policies/1324.shtml>

“Adjudication Process Student Respondent: Adjudication of alleged discrimination or retaliation for student respondents will be handled by the panel under procedures published on the OEO website.
 Employee, Affiliate, and Visitor Respondent: Adjudication of alleged discrimination or retaliation for employee, affiliate, and visitor respondents will be handled by the panel under procedures published on the OEO website.”

OEO Policy



James Madison University **does not discriminate** and prohibits discrimination in its employment, educational programs, activities, and admissions on the basis of: age, color, disability, gender expression, gender identity, genetic information (including family medical history), marital status, military status (including veteran status), national origin (including ethnicity), parental status, political affiliation, pregnancy (including childbirth or related medical conditions), race, religion, sex, sexual orientation, or on any basis protected by law, unless otherwise permitted or required by law. James Madison University prohibits **retaliation** directed against a person for making a good faith complaint of discrimination or retaliation, or participating in a complaint process. This retaliation prohibition applies regardless of the ultimate disposition of the underlying complaint. The university reserves the right to investigate any allegation of discrimination or retaliation. In the event that a student, employee, or third party engaged in prohibited discrimination or retaliation, the university will take steps to prevent recurrence of any discrimination and retaliation and to correct its effects.

OEO Policy – Prohibited Conduct

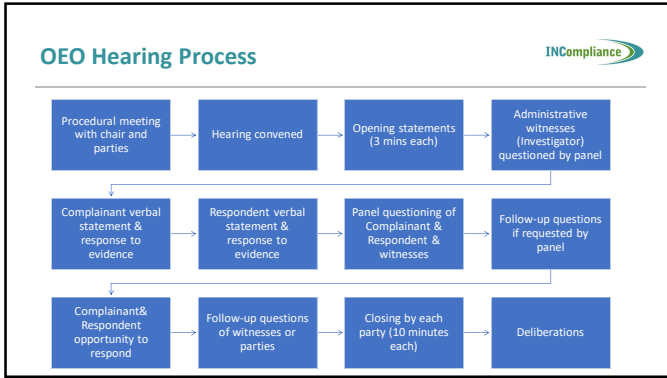



- Discrimination
- Harassment (including hostile environment and term or condition)
- Retaliation

OEO Process




Panel Designation: “The panel consists of three members, and selects a chair from among the three members. The chair serves as an administrator for the panel, receiving and sending communication, scheduling meetings, and other administrative duties as needed. Otherwise, the chair is the equal of the other panel members.”



Role: Hearing Panel Member 

- Reviews the evidence file, final investigation report, and responses of the parties
- Considers what is missing, what is unclear, and what elements are disputed
- Asks relevant questions at hearing, adjusting as other questions are asked
- Is neutral in both the manner they act and the questions they asked

Hearing Panel Member: Your Goal 

- Have enough information on every element of every charge so that you can render a decision by a preponderance of the evidence
- Have enough information to make decisions regarding the credibility of the parties and witnesses
- Make relevancy determinations after every question asked by the advisors
- Maintain decorum at all times, by all participants

Hearing Panel Checklist - Formation



- Convene the **Panel**
- Ensure the Panel has not been directly involved in the matter.
 - Parties can also challenge
- Receive all evidence and the investigation report, including formal complaint, notices, and a copy of the applicable policy or policies.

Hearing Panel Checklist – Preparing for the Hearing



- Review all notices, policies, investigation materials (evidence, report)
 - Do you know which policy/procedure you are operating under?
- Begin identifying areas of disagreement/conflict/credibility
- Identify areas of agreement
- Identify areas where information is missing
- Start drafting questions you, as panel member, want to ask of parties, witnesses, and university witnesses.
- Meet as a panel.

Hearing Panel Checklist – During the Hearing



- Keep an eye on decorum (more on this later)
- Ensure process is followed
- Do you need to record? Who is responsible for that?
- Who is managing relevancy determinations?
- Who is asking questions?
- Do you have information that speaks to each element of each policy violation alleged?

Hearing Panel Checklist – After the Hearing



- Draft the decision in accordance with the applicable policy
- Proofread the decision
- Distribute the decision within the allotted period of time

Post-Hearing Procedures – Deliberating and Voting



- Hearing Panel votes – must be a majority if no consensus
- This is not a recorded discussion or vote

- So how do you do this?

Title IX - A Note on Relevancy Determinations



- After every single question asked (unless by a Panel member) the Panel must make a relevancy determination before a party or witness (including the Investigator) can answer the question
- Generally, questions are relevant if they help the Panel understand if a violation was more or less likely to have occurred (this is your standard of review, which will discuss more in a moment)
- The Panel Chair takes point on making relevancy determinations.

(More on this in Panel Chair Training)

Another Note on Title IX Relevancy Determinations



- Questions that tend to come up that are NOT relevant:
- Prior sexual history (sexual predisposition or prior sexual behavior) of the **Complainant** is NOT relevant unless:
 1. It is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 2. It is offered to provide evidence of prior sexual history between the parties (so Complainant and Respondent) and offered to prove consent.
 - Privileged information (attorney-client, counselor or spiritual leader communications)
 - Medical records of a party without the party's written waiver (More on this in Panel Chair Training)

How Do You Choose Questions?



What Don't You Know? What do you know?



- If you need to know it to make a determination, you have the obligation to ask the question.
- It can be helpful to ask questions when you think you already know the answer, to ensure that you are able to sequence events correctly and that you understand nuances in the testimony.
- Question on disputed facts so that you can weigh credibility, make a determination, and explain your rationale.

Goals for Questions



- Have enough information on every element of every charge so that you can render a decision by a preponderance of the evidence
- Have enough information to make decisions regarding the credibility of the parties and witnesses
- If you need to know it to make a determination, you have the obligation to ask the question to get the information.

Asking Your Questions



- Prepare an outline ahead of time for each party and witness
- Review the elements of the allegations
 - What evidence to you have that speaks to each element?
 - Do you need *more* information on any element?
- What do you need to resolve to decide the case?
 - What facts are undisputed between the parties?
 - What facts are disputed?
 - Which of those disputed facts are necessary to resolve in order to be able to make a determination about an element?
 - Which of those disputed facts are necessary to resolve in order to be able to evaluate credibility appropriately?
 - What answers are missing or unclear?

Phrasing Questions



- Tip: Maintain a neutral tone.
 - "You said X, then you said not X. Help me understand how to resolve those two statements." (Not, "Were you lying then or are you lying now?")
 - "You said this happened but another witness said that this did not happen. Help me understand..."
 - "You said X, I want to ensure I understand. Can you provide a little more information about X" (consider, pulling up the section of the report/evidence).

Resolving Factual Disputes INCompliance

- 1
 - List undisputed facts – what do parties agree on? = **findings of fact**
 - List disputed facts – what do parties disagree on?
- 2
 - What undisputed facts address each element?
 - What disputed facts must be resolved for each element?
- 3
 - Weigh the evidence for each **relevant** disputed fact
 - Resolve disputed facts = **findings of fact**

Remember: Credibility Factors INCompliance

- Credibility is determined based on a “totality of the circumstances.” Factors to consider:
 - Witness statements
 - Detail and consistency of accounts
 - Corroborating evidence or the lack thereof, if it should logically exist
 - Information about how the reporting person acted following the incident, both immediately and over time
 - Information about whether the complainant told others about the incident soon after it occurred
 - Other contemporaneous evidence of accounts
 - Credible reports of similar incidents by the respondent (careful here!)
 - Whether the reporting person has been shown to make false reports (again, careful here!)

Cross Tools: What are the goals of cross-examination? INCompliance

- Obtain **factual admissions** helpful to a party’s case.
- **Corroborate the testimony** of a party’s witnesses.
- Minimize the other party’s case by **impeachment of witness** being questioned.
- Minimize the other party’s case by **impeachment of other witnesses** through the witnesses being questioned.
- Reduce **confusion and seek truth**.

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Cross Tools: Impeachment (1 of 5)



- Bias: (a) lay witnesses and (b) experts.
- Relationships (friendship and romantic)
- Experts: getting paid for testimony
 - You charge fees based on an hourly rate?
 - You were paid to produce a written report?
 - Based on this report, you're testifying today?
 - You're charging money for each hour you're here?

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Cross Tools: Impeachment (2 of 5)



- Perception and Recall
 - What is the witness's perception of the facts?
 - Has Time impacted recall or ability to remember clearly?
 - How many times has the witnesses talked to the other party about this case?
 - Was there anything that impacts the person's physical or mental ability to perceive or recall facts accurately?
 - Is the expert limited by the information provided to inform the expert report?
 - Does the witness form a conclusion without knowing certain information?

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Cross Tools: Impeachment (3 of 5)



- Example: Intoxication level information from witness.
 - You did not see the consumption, or keep track of how long the party was consuming alcohol?
 - You did not measure the alcohol poured by ___ or the party?
 - Your statements are based on information provided by others? the other party?
 - Party's statements were made after they had been drinking alcohol (consuming other drugs, etc.)?
- Remember: Delineate whether the party or witness is speaking from personal knowledge.

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Cross Tools: Impeachment (4 of 5)



- Inconsistency in statements
 - If a fact was very important, why is the hearing the first time it has come up?
 - What possible reasons might the witness have for changing their testimony?
 - Did a witness receive coaching from the party or others between making one statement and another?
 - Has the witness's perspective or motive changed between statements?
 - Does changing this fact help the other party's case?

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Cross Tools: Impeachment (5 of 5)



- Lack of Corroborating Evidence
 - Example: Missing receipts...
 - You testified that you were drinking with the Complainant on the night of the incident?
 - You testified that you paid for the alcohol?
 - You paid with your credit card?
 - But you did not provide the receipt to the investigator?
 - You didn't even provide access to your credit card statement?
- Remember: If a party elects not to provide information, it is an empty spot on the table.

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Questioning by the Decision-Maker



- The neutrality of the decision-maker role is and the role of the advisor to ask adversarial questions, protects the decision-maker from having to be neutral while also taking on an adversarial role
- “[P]recisely because the recipient must provide a neutral, impartial decision-maker, the function of adversarial questioning must be undertaken by persons who owe no duty of impartiality to the parties” (2020 Title IX Preamble, 30330)
- Decision-maker has the right & responsibility to ask questions.

Hearing Toolbox: Prehearing Conference



- Prehearing conference – helps inform parties and set expectations – have one separate with each party and the party’s advisor
- Provides opportunity to address issues common to both parties:
 - Parties and their representatives will often not understand the process: help educate and answer questions (again, know your institution’s grievance process)
 - Challenges to jurisdiction and/or whether conduct meets definitions of sexual harassment

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Hearing Toolbox: the Prehearing Conference



- Parties may want to add evidence and witnesses that were not in the investigation for the first time at the hearing (perhaps outside of the process).

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Hearing Toolbox: Use of a Script



- Responsible for running an orderly and fair hearing.
- A script can serve as a checklist of everything the decision-maker wants to cover and a cheat sheet for reminders of allegations, alleged policy violations, and elements of the alleged policy violations
- Helps ensure rights, responsibilities, and expectations are set
- Helps provide consistency between one hearing and the another
- Helps provide transparency
- Can even have a separate one for prehearings

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Hearing Toolbox: Decorum



- Evaluating each question for relevancy before a party or witness can answer can help set the tone (or by having questions run through the decision-maker)
- Remind parties about expectations of decorum

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Hearing Toolbox: Breaks



- The use of breaks to allow parties to recover from panic attacks or emotional questioning
 - ***These are built into JMU’s processes.***
- Also helpful to reset tone and reduce emotion and tension
- Can use to review policy and procedures to address relevancy issues that arise

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Hearing Toolbox: Questions



- Do you have the information you need on each element to be able to evaluate the claims?
- Consider neutral phrasing of questions:
 - “In the report you said... Help me understand...”
 - “You stated... Tell me more about that.”
 - “Could you give more information about what happened before/after...”

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Hearing Toolbox: Considerations for Panels



- Hearing panel:
- Identify one person on the panel to make relevancy rulings
- Identify one person to draft the decision (for review of other panel members)
- Determine how panel members will ask questions (e.g., will only one person ask the questions or will panelists take turns?)

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How to Make a Good Decision: Follow the Policy & Process



Deliberating Reminders (1 of 3)



- Individual cases are not about statistics
- Decision in every case must be based on preponderance of evidence
- Cannot fill in evidentiary gaps with statistics, personal beliefs or information about trauma
- Process must be fair and impartial to each party
- Institution may proceed without active involvement of one or both parties; base conclusions on impartial view of evidence presented

Deliberating Reminders (2 of 3)



- **Withhold pre-judgment:** The parties may not act as you expect them to
- Be aware of your own biases as well as those of the complainant, respondent, and witnesses
- Let the available facts and standard of proof guide your role in overseeing the live cross-examination hearing, not unfair victim-blaming or societal/personal biases

Deliberating Reminders (3 of 3)



- Burden of gathering the evidence on the recipient, not the parties (30333)
 - Don't penalize a party for the questions no one asked them.

Standard of Evidence



- Standard of Evidence: Preponderance of the Evidence
 - Use this standard to make every factual determination!
 - Must begin with a presumption of no violation by Respondent.
 - If the case is truly "50-50," the tie goes to the Respondent.
- *Tip when discussing and voting – go through each element of each allegation considering the standard of evidence*

#1 Keep An Open Mind



- Keep an open mind until you've exhausted your inquiry
- Don't come to any judgment, opinion, conclusion or belief about any aspect of this matter until you've reviewed or heard all of the evidence

#2 Sound, Reasoned Decision



- You must render a sound, reasoned decision on every charge
- You must determine the facts in this case based on the information presented
- You must determine what evidence to believe, the importance of the evidence, and the conclusions to draw from that evidence

#3 Consider All/Only Evidence



- You must make a decision based solely on the relevant evidence obtained in this matter
- You may consider nothing but this evidence

#4 Be Reasonable and Impartial



- You must be impartial when considering evidence and weighing the credibility of parties and witnesses
- You should not be swayed by prejudice, sympathy, or a personal view that you may have of the claim or any party
- Identify any actual or perceived conflict of interest

#5 Weight of Evidence



- The quality of evidence is not determined by the volume of evidence or the number of witnesses or exhibits.
- It is the weight of the evidence, or its strength in tending to prove the issue at stake that is important.
- You must evaluate the evidence as a whole based on your own judgment.

#6 Evaluate Witness Credibility (1 of 3)



- You must give the testimony and information of each party or witness the degree of importance you reasonably believe it is entitled to receive.
- Identify all conflicts and attempt to resolve those conflicts and determine where the truth (standard or review/proof) lies.

#6 Evaluate Witness Credibility (2 of 3)



- Consider the reasonableness or unreasonableness, or probability or improbability, of the testimony.
- Does the witness have any motive?
- Is there any bias?

#6 Evaluate Witness Credibility (3 of 3)



- Credibility is determined fact by fact, not witness by witness
 - The most earnest and honest witness may share information that turns out not to be true

#7 Draw Reasonable Inferences



- Inferences are sometimes called “circumstantial evidence.”
- It is the evidence that you infer from direct evidence that you reviewed during the course of reviewing the evidence.

#8 Standard of Evidence (1 of 2)



- Use your standard of evidence as defined by your policy when evaluating whether someone is responsible for each policy violation and ALWAYS start with presumption of no violation.
- Clear and convincing evidence.

#8 Standard of Evidence (2 of 2)



- Look to all the evidence in total, and make judgments about the weight and credibility, and then determine whether or not the burden has been met.
- Any time you make a decision, use your standard of evidence

#9 Don't Consider Impact of the Outcome



- Focus only on the charge or charges brought in the case and whether the evidence presented to you is sufficient.
- **Do not consider the impact of your decision on the parties.**

If you are having trouble



- Consider making a list of what you are sure about that relates to the question you are considering.
- Make a list of what facts are disputed.
- Focus on resolving the disputed facts by a preponderance of the evidence.
- When you have the facts decided, the policy language should be much easier to apply.



Conflicts/Bias

Being Impartial



A decision-maker needs to recognize that a party **should not be** “unfairly judged due to inability to recount each specific detail of an incident *in sequence*, whether such inability is due to trauma, the effects of drugs or alcohol, or simple fallibility of human memory.”

(2020 Regulations Preamble, 30323)

Bias – Concerns Identified in Preamble



- Are all **paid staff members** **biased** in favor of the institution that employs them?
- Was an institutional **history of covering up issues** enough for bias?
- Were **past tweets or public comments** that appear to support complainants or respondents sufficient to show bias?
- Is identifying as a **feminist** enough to show bias?
- Should bias extend to “perceived bias” or did it require actual bias?

Department Response



- Department declined to determine whether bias has to be actual or if perceived is sufficient to create an issue
- Each specific bias issue requires a fact-specific analysis

(2020 Regulations Preamble, 30252)

Bias – How Department Tried to Minimize



- **No single-investigator model for Title IX**
- Decision-maker (or makers if a panel) cannot have been the same person who served as the Title IX Coordinator or investigator (30367)
- Prevents the decision-maker from **improperly gleaning information from the investigation** that isn't relevant that an investigator might be aware of from gathering evidence (30370)
- The institution may consider external or internal investigator or decision-maker (30370)

Objective Rules - Discretion



- “[R]ecipients **should have objective rules for determining when an adjudicator** (or Title IX Coordinator, investigator, or person who facilitates an informal resolution) **is biased**, and the Department **leaves recipients discretion to decide how best to implement the prohibition on conflicts of interest and bias...**” (30250)
- Recipients have the discretion to have a process to raise bias during the investigation
- Bias is a basis for appeal of decision-maker’s determination (34 C.F.R. 106.45(b)(8)(i)(C))

Example of Unreasonable Conclusions Regarding Bias



- “[F]or example, **assuming that all self-professed feminists**, or self-described **survivors**, are biased against men, or that a **male** is incapable of being sensitive to women, or that prior work as a **victim advocate**, or as a **defense attorney**, **renders the person biased** for or against complainants or respondents” **is unreasonable** (2020 Regulations Preamble, 30252)

Training & Bias



- “[T]he **very training required by 106.45(b)(1)(iii) [that you are sitting in right now]** is intended to
- provide Title IX personnel with the tools needed to serve impartially and without bias
- such that the prior professional experience of a person whom a recipient would like to have in a Title IX role
- need not disqualify the person from obtaining the requisite training to serve impartially in a Title IX role.”

(2020 Regulations Preamble, 30252)

Outcomes & Bias



- Department also cautioned parties and recipients from concluding bias or possible bias “based solely on the **outcomes of grievance processes** decided under the final regulations.” (30252)
- Explained that this means, **the “mere fact that a certain number of outcomes result in determinations of responsibility, or non-responsibility, does not necessarily indicate bias.”** (30252)

Avoiding Sex Stereotypes



- “Must” not rely on sex stereotypes
- Examples of sex stereotypes in comments (30253):
 - Women have regret sex and lie about sexual assaults
 - Men are sexually aggressive or likely to perpetrate sexual assault
 - Consideration of marginalized groups: people with disabilities, people of color, people who identify in the “LGBTQ” community (30259-30260)

Sex Stereotypes: Rape Myths



- The preamble discussed a particular study referred to by commenters about a “common tactic” in defense of sexual assault remains the “leveraging rape myths” when cross-examining rape victims (30325)
- – However, the preamble discussion determines that this is a broader societal issue, a not an issue with cross-examination as a tool for truth-seeking

Reminders



- Individual cases are not about statistics
- Decision in every case must be based on preponderance of evidence
- Cannot fill in evidentiary gaps with statistics, personal beliefs or information about trauma
- Process must be fair and impartial *to each party*
- Institution may proceed without active involvement of one or both parties; base conclusions on impartial view of evidence presented
- Withhold pre-judgment
- Be aware of your own biases
- Let the facts & evidentiary standard guide your role

At JMU – OEO Process



OEO Process for Panelists:

- The OEO will work with each panelist regarding conflicts of interest concerns.
- Both the complainant and respondent are notified of the names and roles of the panelist
 - To provide feedback regarding perceived conflict of interest.
 - Each party can communicate with the OEO to ask for a panelist to be removed from adjudicating their case.
 - If asked to remove a panelist, the OEO would select a new panelist.
- A panelist can recuse themselves if there's a potential, direct or perceived conflict of interest within the case.


At JMU – Title IX/Sexual Misconduct Process



Parties have the right to question bias & conflict
 Panelists must not have direct involvement




Sanctioning



OEO - Sanctions

- To balance consistency and fairness in sanctioning, **guidelines have been developed as a starting point for Hearing Panelists** in student adjudication, Supervisors for **employee adjudication or the appropriate Vice Presidents to consider when determining sanctioning for a Respondent found responsible for a policy violation.** However, the totality of the evidence, **the severity of the incident and the perspectives of the participants involved may result in the severity of the sanction being higher or lower than the guidelines listed below.** Hearing Panelists in student adjudication, Supervisors for employee adjudication or the appropriate Vice President have the **ability to increase or decrease the severity of the sanction when making a decision in a case;** however, suspension or expulsion from the university may only be assigned if the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Complainant/Respondent.



OEO - Sanctions (2)

Sanctions are permitted only when the final determination is that the respondent engaged in the alleged discriminatory or retaliatory conduct. Sanctions shall be commensurate with the severity and/or frequency of the conduct.

- Student Respondent:** Sanctions for students are determined by the panel following the panel's determination that the student is responsible for the alleged policy violation(s), and will be handled in accordance with procedures published on the OEO website. Sanctions may include, but are not limited to *suspension or expulsion from the university and/or issuance of a no-trespass notice. Educational sanctions may be imposed for students found responsible for violations of this policy instead of, or in addition to, the applicable sanctions listed above.* Determination of sanctions for students shall generally align with the OSARP Student Handbook: Sanctioning and General Case Outcomes.
- Employee, Affiliate and Visitor Respondent:** The respondent's supervisor will determine appropriate sanctions in accordance with procedures published on the OEO website. *Sanctions may include but are not limited to, termination of employment, removal of affiliate status, exclusion from working opportunities at the university and/or issuance of a no-trespass notice.*

All parties will be provided the Notice of Outcomes determined by the hearing panel. The OEO will provide the Notice of Outcomes to OSARP for the implementation of sanctions and accountability when applicable.

Policy 1340 / 1346



Disciplinary Actions

- a. A classified employee who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1317-Standards of Conduct and Performance for Classified Employees.
- b. A wage employee who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1325-Wage Employment.
- c. An A&P faculty member without tenure who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1335-Terms and Conditions of Employment for Administrative & Professional Faculty.
- d. An affiliate who is found to have violated this policy may have his/her status as affiliate removed under the terms of Policy 1337-Affiliates.
- e. A faculty member who is found to have violated this policy may be disciplined or discharged under the terms of the Faculty Handbook, Section III.A.26.
- f. A student who is found to have violated this policy may be disciplined, suspended or expelled under the terms of the Student Handbook.

Meet your Associate Directors



Cole Morgan
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