SANCTIONS & THE SANCTIONING PROCESS

What panel members need to know
TRAINING OUTLINE

- What Are Sanctions?
- VCU Policies
- Purpose & Mission
- Best Practices
- Available Sanctions
- Aggravating and Mitigating Factors
- Impact and Mitigation Statements
- Available Remedies
- Case Studies
REMINDER

Sanctioning occurs after (and separately from) the determination of responsibility.
What are Sanctions?

Sanctions are penalties that may include educational, restorative, rehabilitative, and/or punitive components that are imposed when an individual has been found responsible for Prohibited Conduct.
Sanctions are imposed after a Respondent has either been found responsible or admitted responsibility for alleged Prohibited Conduct. Sanctions are identified by either a Hearing Panel or through an agreement by the parties and the senior management executive.

The Senior Management Executive varies by Respondent affiliation: for students, the Vice President for Student Affairs. For employees, the SME is in Human Resources.
## SANCTIONS VS. REMEDIES

<table>
<thead>
<tr>
<th>Sanctions</th>
<th>Remedies</th>
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<tbody>
<tr>
<td>Sanctions are meant to penalize or mandatorily educate the Respondent in an effort to rehabilitate the individual, prevent recurrence of the conduct, and ensure a safe and inclusive environment free from discrimination and harassment.</td>
<td>Remedies cure, correct or prevent conduct. They are typically restorative or educational in nature and aim to assist the Complainant in accessing their education</td>
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</table>
Sex-Based Misconduct Policy - Interim

Section 16
PURPOSE OF SANCTIONS

1. Stop the harm to the Complainant and the community

2. Prevent the recurrence of the conduct

3. Remedy the harm that has occurred
<table>
<thead>
<tr>
<th>Nature &amp; severity</th>
<th>Impact of the misconduct on the Complainant</th>
<th>Impact of the misconduct within the university community</th>
</tr>
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<tbody>
<tr>
<td>Prior misconduct by the Respondent</td>
<td>Whether the Respondent has accepted responsibility</td>
<td>Maintenance of a safe, nondiscriminatory, and respectful environment</td>
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</table>

**SANCTIONING CONSIDERATIONS**
AGGRAVATING FACTORS

May Lead to More Severe Sanctions

- Respondent is in a position of authority or influence
- Use of force or violence related to the violation or a pattern of violent behavior
- Use or display of a weapon
- Deliberately taking advantage of another person's state of incapacitation
- Victim under the age of consent
IMPACT STATEMENT

Provided by the Complainant

Describes the impact the Prohibited Conduct had on the Complainant and their desired outcome. Should be taken into account for sanctioning decisions \textit{only} and considered along with other relevant circumstances and factors.
Mitigation Statement

Provided by the Respondent

Informs the decision maker of any mitigating factors from the Respondent's perspective that should be taken into account when determining fair sanctions for the specific facts and policy violations.
BEST PRACTICES

How to Sanction Appropriately?
Sanctioning Considerations
Mitigating, Aggravating, and Compounding Factors
Severity and Egregiousness
Cumulative Violations
Prior History of Misconduct
Patterns of Behavior
Complainant's Request for Enhanced/Lesser Sanctions
Respondent's Attitude

Offense-Specific Sanctioning

ATIXA
WHITEPAPER
Sanctioning Guidelines at Other Institutions

Review policy violations and the sanction ranges
TAILORING SANCTIONS TO THE FACTS

Looking at the facts and circumstances of each policy violation (and the overall complaint)
AVAILABLE SANCTIONS & REMEDIES
### Available Sanctions for Students

- **Expulsion**
  Permanent dismissal from the University, administrative withdrawal from classes and loss of all University privileges

- **Revocation of Degree**
  Rescinding a university degree that has been awarded

- **Withholding Degree**
  Delay awarding a degree otherwise earned until completion of all sanctions imposed

- **Revocation of Admission**
  Rescinding an offer of university admission

- **Suspension**
  Removal of a respondent from the university for a defined period of time, for a maximum of six (6) consecutive semesters, during which a student loses all university privileges, which generally includes access to facilities, programs, classes, and premises
Deferred Suspension

Designated period of time during which a student is given the opportunity to demonstrate the ability to abide by university policy. Subsequent violations of university policy during the term of a deferred suspension will result in a full suspension.

Disciplinary Probation

A specified period of time, a minimum of one semester, requiring a respondent to avoid a recurrence of any conduct that violates the Student Code of Conduct and/or any university policy that may result in additional university sanctions, including but not limited to, suspension or expulsion.

Censure

Written notice warning a respondent to avoid recurrence of any conduct that violates the policy and/or any university policy. Subsequent violations of the policy or any university policy may result in more severe disciplinary action.
AVAILABLE SANCTIONS

STUDENTS

- **Campus Ban**
  Prohibits access to all or a portion of the VCU campus

- **Loss of University-Related Privileges**
  Denial of services, privileges, and benefits which may impact participation in extracurricular activities, residence in university housing, university employment, Honors College, leadership within student organizations, academic activities, and study abroad

- **Restitution**
  Monetary reimbursement to the university and/or member of the university community or others to cover costs of damage, injury, or loss of community or personal property as a result of misconduct
AVAILABLE SANCTIONS

EMPLOYEES

- **Termination of Employment**
  Permanent separation of the employment relationship between the university and the respondent

- **Suspension/Administrative Leave**
  Loss of work for a defined period of time, with or without pay, during which the respondent will not be allowed on university premises or permitted to participate in, or supervise, any university educational program or activity

- **Loss of Merit Pay Increase**
  Ineligibility for a merit pay increase for a defined period of time

- **Counseling**
  Verbal or written communication which conveys that an employee's conduct was improper and must be corrected
**Available Sanctions**

**Employees**

- **Written Notice or Warning**
  Formal disciplinary action which has been taken in response to misconduct. Formal disciplinary actions are placed in an employee’s personnel record.

- **Demotion**
  Change in position with lower qualifications and pay.

- **Loss of Supervisory Titles and/or Responsibilities**
  Loss of title and/or the ability to supervise other employees or students, which may have an effect of changing an employee’s job classification status.

- **Campus Ban**
  Prohibits access to all or a portion of the VCU campus.
<table>
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<tr>
<th>Referral to Counseling or EAP</th>
<th>No Contact Directives</th>
<th>Modifications to Work or Housing Assignments</th>
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<tbody>
<tr>
<td>Increased monitoring, supervision, or security</td>
<td>Required Training For individuals or to the University community</td>
<td>Academic Support</td>
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**REMEDIES**
### TRANSCRIPT NOTATIONS

#### What are Transcript Notations?

As required by § 23.1-900 of the Code of Virginia, the university shall include a prominent notation on the transcript of any student who is suspended, expelled, or withdraws while under investigation for sexual assault as defined in the policy. In the event of a conflict between Virginia law and applicable federal regulations, the federal regulations will prevail.

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**Academic Transcript**

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<tr>
<th>Transcript Level</th>
<th>Student Information</th>
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<tr>
<td>Graduate</td>
<td>Degrees Awarded</td>
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ROLE OF THE TITLE IX OFFICE

Monitoring sanctions that have been imposed.
CONSISTENCY ENCOMPASSES THE ADDED OBLIGATION OF EQUITABLE SANCTIONING IMPOSED BY TITLE IX
CASE STUDIES
Questions?
CONTACT US

Website
https://equity.vcu.edu/title-ix/

Phone Number
(804) 828-1347

E-mail Address
titleix@vcu.edu
We appreciate your service and commitment to this process.