

# **SANCTIONS & THE SANCTIONING PROCESS**

What panel members need to know

# Agenda

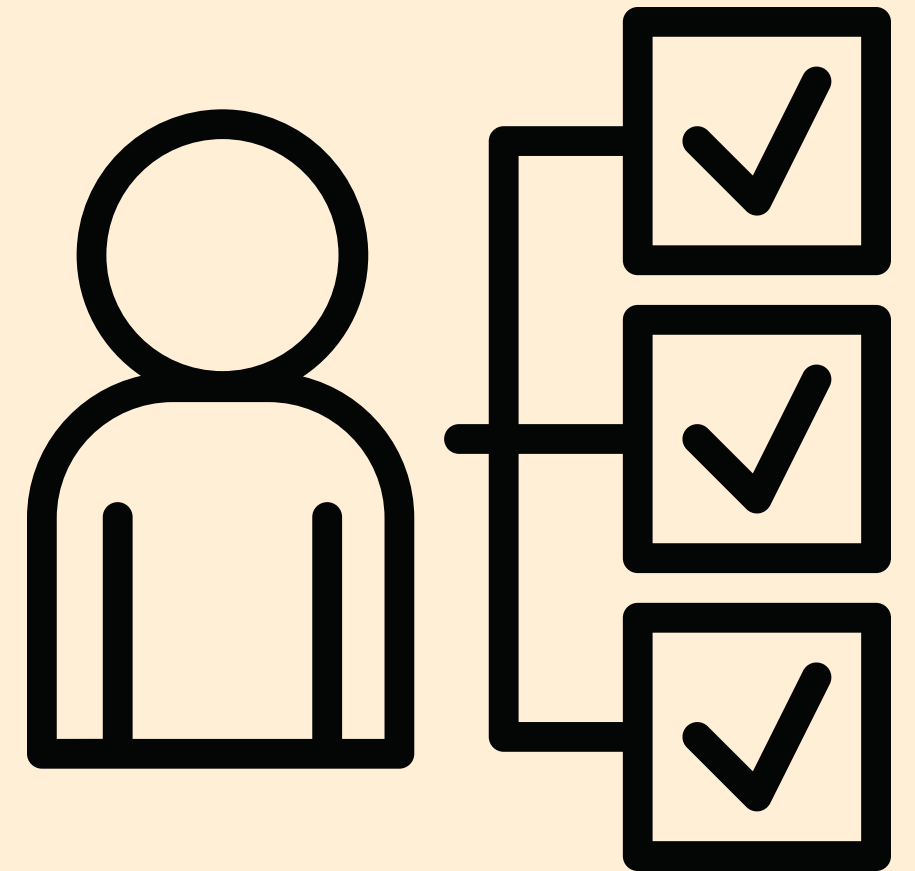
SANCTIONING 2023

# 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



# KNOWING THE BASICS

## 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.

SANCTION

restriction of

on visit



# **WHEN ARE SANCTIONS APPLIED**

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

## Sanctions

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.

## Remedies

Remedies cure, correct or prevent conduct. They are typically restorative or educational in nature and aim to assist the Complainant in accessing their education

# VCU POLICIES



Title IX Sexual Harassment  
Policy - Interim

Sex-Based Misconduct  
Policy - Interim



## **Title IX Sexual Harassment Policy - Interim**

Section 16



## **Sex-Based Misconduct Policy - Interim**

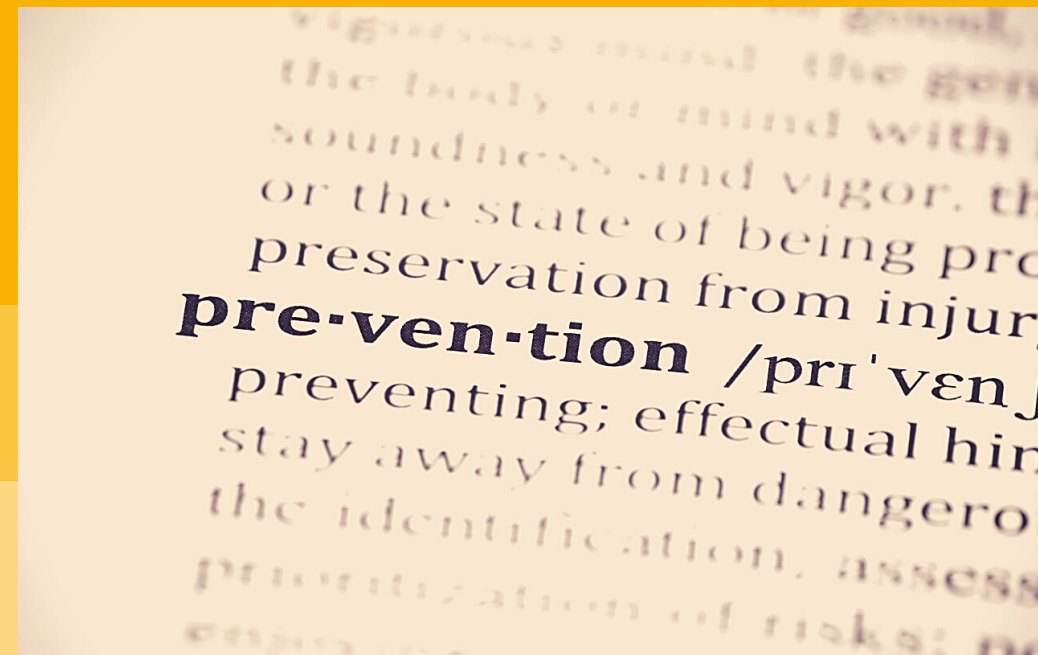
Section 16



# 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





# **MISSION OF THE TITLE IX OFFICE**

How do Sanctions Support the Mission



Nature & severity	Impact of the misconduct on the Complainant	Impact of the misconduct within the university community
Prior misconduct by the Respondent	Whether the Respondent has accepted responsibility	Maintenance of a safe, nondiscriminatory, and respectful environment

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 only and considered along with other relevant circumstances and factors.



Impact



# 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**



## **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 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



# AVAILABLE SANCTIONS

## STUDENTS

### ● **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

Referral to Counseling or EAP	No Contact Directives	Modifications to Work or Housing Assignments
Increased monitoring, supervision, or security	Required Training  For individuals or to the University community	Academic Support

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.

Virginia Commonwealth University

Student Academic Transcript

Academic Transcript

Transcript Level

Graduate

Transcript

Advanced

Student Information

Degrees Awarded

In Cr

SANCTIONING 2023

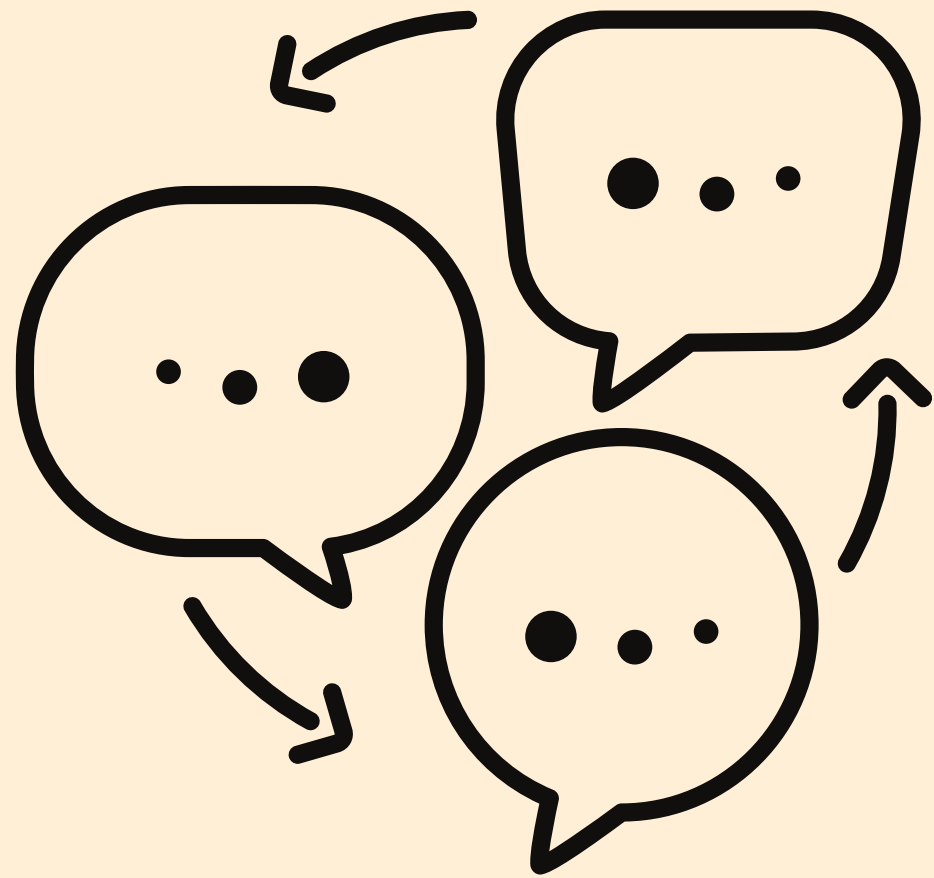


# ROLE OF THE TITLE IX OFFICE

Monitoring sanctions that have  
been imposed.



## DISCUSSION



CONSISTENCY  
ENCOMPASSES THE  
ADDED OBLIGATION OF  
EQUITABLE  
SANCTIONING  
IMPOSED BY TITLE IX

ATIXA



# **CASE STUDIES**



Time for  
Questions

Questions?

# CONTACT US

## Website

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thank  
you!

We appreciate your service and  
commitment to this process.