

# Making the Decision: Implicit Bias & Deliberations

Equity & Title IX Annual Training

August 2024



# Decision Making Process

1

Receive Evidence

2

3

4



2

Determine Responsibility

Sanctions & Remedial Measures

# Decision Making Process

1

Receive Evidence

2

Determine Responsibility

3

Sanctions & Remedial Measures

4

Draft Decision

# 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



Affinity  
Bias

Halo



Perception  
Bias

# 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 Receive Evidence

## 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

## 2 Responsibility

### 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.

# Sanctions & Remedial

## 1. Sanctions:

- Applies to the Respondent
- To prevent and eliminate impermissible discrimination and harassment in our educational programs, activities, and employment.

## 2. Remedial Measures:

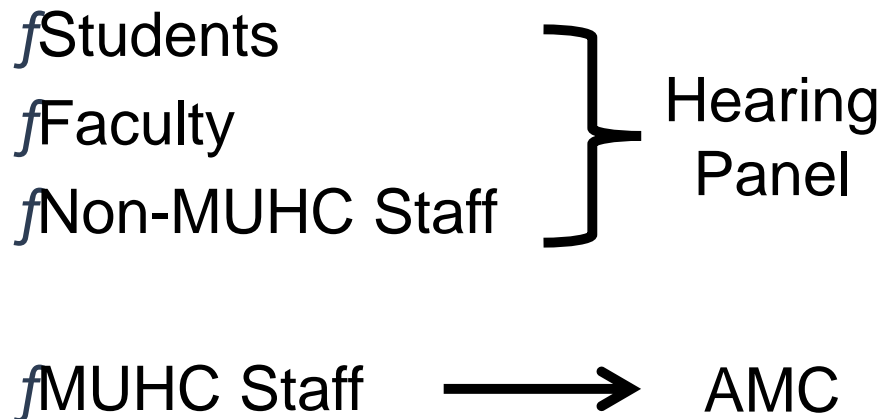
- Applies to the Complainant
- To address the effects of the violation(s) of the University's Anti-Discrimination Policies on the Complainant.

# 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

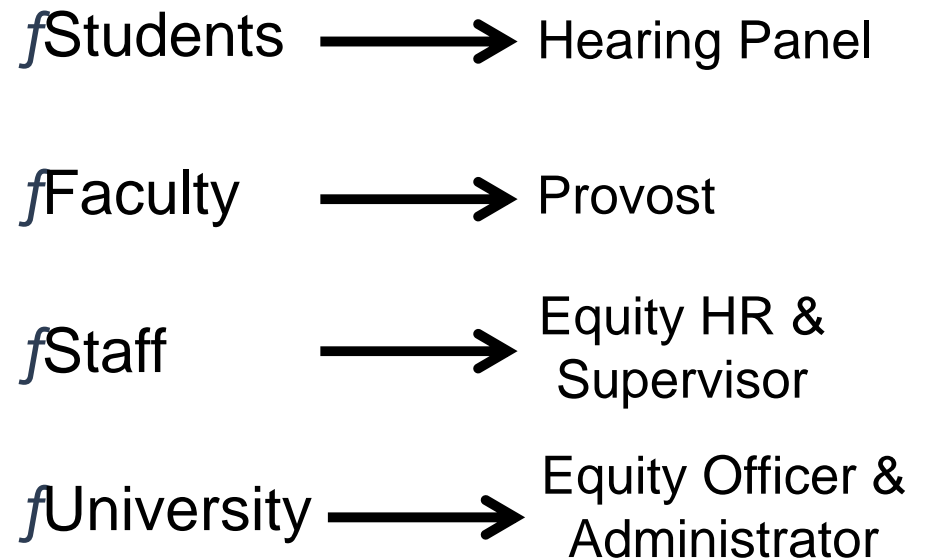
# Who Decides the Sanctions?

## Title IX



CRR 600.030(S)

## Equity



CRR 600.040(S); 600.050(R)

# Examples of Student Sanctions

## Added Requirements

- f*Warning
- f*Probation
- f*Restitution to University
  - o Service, money, or materials
- f*Discretionary Work
  - o Work Assignment/Essay
  - o Community Service
  - o Educational Programming
  - o Counseling
- f*Non-Contact

## Exclusions

- f*Loss of Privilege(s)
  - o Access to campus email, parking, rec center, dining, etc.
- f*Suspension from:
  - o

# Examples of Faculty Sanctions

## Added Requirements

- fWarning
- fWritten reprimand in personnel file
- fPIP
- fTraining/Education
- fCounseling
- fMove Office/Workspace
- fNon-Contact

## Losses

- fLoss of annual pay increase
- fLoss of privileges/duties
- fSuspension
- fExcluded from areas of campus
- fNon-Renewal (NTT)
- fRecommend termination (Tenured)

# Examples of Staff Sanctions

## Added Requirements

- fWarning
- fWritten reprimand in personnel file
- fPIP
- fTraining/Education
- fCounseling
- fMove Office/Workspace
- fNon-Contact

## Losses

- fLoss of annual pay increase
- fLoss of privileges/duties
- fDemotion
- fSuspension
- fExcluded from areas of campus
- fTermination



# Remedial Actions

## Student Complainant

- f*Retake a course
- f*Tuition reimbursement
- f*Remove a disciplinary action
- f*Educational accommodation
- f*On-Campus housing accommodation

## Employee Complainant

- f*Remove disciplinary action
- f*Modify a performance review
- f*Adjustment in pay
- f*Change reporting relationship
- f*Workplace accommodation

Offer or require training and/or monitoring as appropriate to address effects of violations

