



# MISCONDUCT SANCTIONING PANEL TRAINING FOR STUDENT PANELISTS




**USC** University of  
Southern California

**EEO-TIX Spring 2024**

# HONORING NATIVE LANDS

---

We acknowledge that we are on the traditional land of the Tongva people. For thousands of years, the Tongva people lived on this land we occupy today, and were considered the most powerful indigenous peoples to inhabit the Los Angeles basin. Along with the Tongva, we also recognize the Chumash, Tataviam, Serrano, Cahuilla, Juaneno, and Luiseno People, for the land that USC also occupies around Southern California. We pay respects to their elders past and present. Please take a moment to consider the many legacies of violence, displacement, migration, and settlement that bring us here today. And please join us in uncovering such truths at any and all events.



USC's Office For Equity,  
Equal Opportunity, and Title IX  
(EEO-TIX)

# WHAT WE WILL COVER

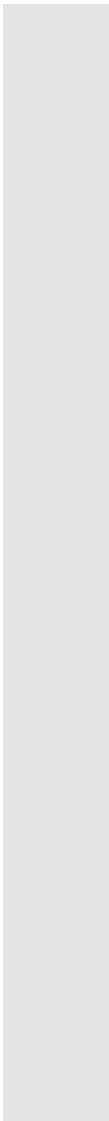
---

- USC Policy on Discrimination, Harassment, and Retaliation
- USC Resolution Processes
- Role of Misconduct Sanctioning Panel
- Practical Tips
- Q&A





## Policy on Prohibited Discrimination, Harassment, and Retaliation



The University of Southern California (University) believes that all members of the University community, including students, faculty, staff, patients, and visitors, should pursue their work, education, and engagement in University programs and activities in a **safe environment, free from discrimination and harassment based on protected characteristics, and retaliation**. The University's primary concern is the safety and security of students, staff, faculty, and the University community. The purpose of this Policy is to prevent and respond to discrimination and harassment for all protected characteristics for all students, faculty, staff, patients, and visitors.

# To Whom the Policy Applies

## SCOPE:

- ✓ Students
- ✓ Postdoctoral Scholars
- ✓ Staff (including Healthcare staff)
- ✓ Faculty
- ✓ Third Parties (e.g., visitors, patients)

## Some Important Roles and Definitions

**Reporting Party** - The individual who has been reported to have experienced Prohibited Conduct.

**Respondent** - The individual who has been reported to have committed Prohibited Conduct.

**Investigator** - EEO-TIX investigator (or a trained external investigator) who is charged with conducting a prompt, thorough, fair, and impartial investigation of the allegations of a Formal Complaint and potential Policy violations.

**Advisor** - May be an Advisor of Choice or a University-Appointed Advisor for hearings pursuant to the Resolution Process for Sexual Misconduct. Each party is entitled to one advisor.

**Decisionmaker** - for the DHR process, it will be the Vice President of EEO-TIX or her designee; for the SM process, it will be an external Hearing Officer.

Race  
Color  
Ethnicity  
Religion (including religious dress and grooming practices)  
Creed  
Sex  
Age (40 years and over in the employment context)  
Marital status  
National origin  
Citizenship status  
Employment status  
Income status  
Shared ancestry and ethnic characteristics

Partnership status  
Medical condition (including cancer and genetic characteristics)  
Pregnancy (including childbirth, breastfeeding, or related medical conditions)  
Disability  
Political belief or affiliation  
Domestic violence victim status  
Military or veteran status  
Sexual orientation  
Gender  
Gender identity  
Gender expression  
Genetic information



# “Prohibited Conduct” Under the Policy

- **Discrimination** (based on a protected characteristic)
- **Harassment** (based on a protected characteristic)
- **Sexual assault**
- **Dating & domestic violence**
- **Stalking**
- **Nonconsensual viewing, recording, and dissemination**
- **Exposure**
- **Retaliation**
- **Complicity**
- **Violation of a University directive** (e.g., Mutual Avoidance of Contact)
- **California Education Code provisions** (for students)

# EEO-TIX Resolution Processes

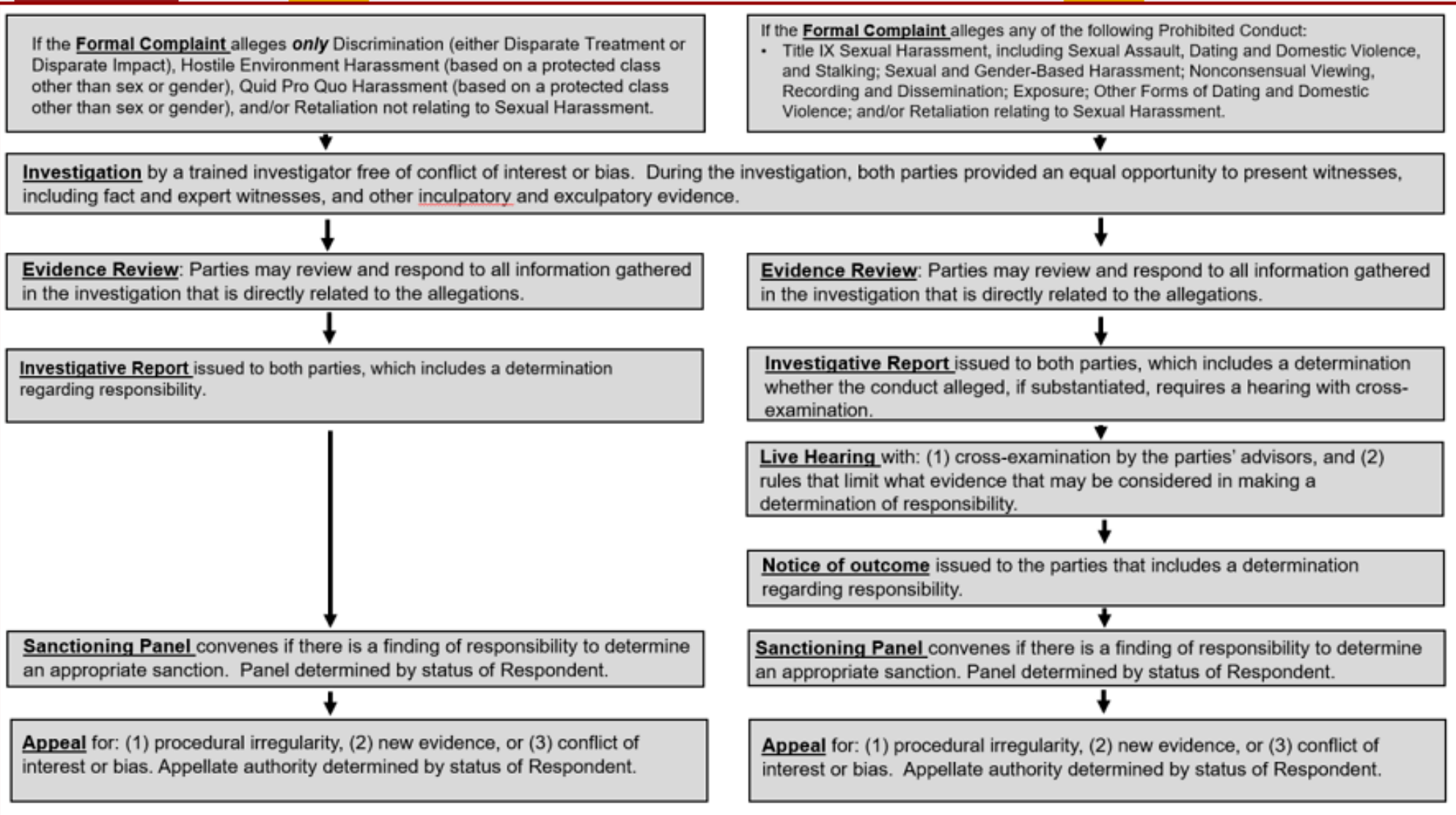
EEO-TIX has **two** separate Resolution Processes (i.e., grievance procedures that may apply depending upon the nature of the alleged Prohibited Conduct under the Policy)

Resolution Process  
for  
Sexual Misconduct (SM  
Process)

Resolution Process for  
Discrimination,  
Harassment, and  
Retaliation (DHR  
Process)

**KEY DIFFERENCE:** Under the Resolution Process for Sexual Misconduct, a live hearing is required, and the decision as to whether the Policy has been violated is made by an external, trained Hearing Officer.

# Two Formal Resolution Tracks



# Overview of Investigation Steps



## Hearing Officer (for Sexual Misconduct Matters)

- A fair and impartial decisionmaker
- External, trained professional
- Free of conflict of interest or bias for or against either party
- Provides all parties with an equitable opportunity to be heard and to reach a full determination
- Charged with conducting an objective evaluation of all relevant evidence including the Investigative Report, any written statements by the parties, and all exhibits and any relevant evidence introduced during the hearing
- Determines whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility as to each element of each Policy violation at issue

# The Role of the Hearing Officer

- Review the investigative report and any written statements provided by the parties in response to the investigative report, all exhibits, and any additional relevant evidence introduced at the hearing.
- Determine the format of the hearing.
- Provide all parties with an equitable opportunity to be heard and to reach a full and fair determination as to responsibility and imposition of any sanction, should there be a finding of responsibility.
- Determine the relevance of every question posed by the parties' advisors and briefly explain any decision to exclude a question as not relevant.
- Determine whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility as to each element of each Policy violation at issue.
- Reach credibility determinations if appropriate, but do not base credibility determinations on a person's status as a Reporting Party, Respondent, or witness.
- Prepare a written decision, which includes the finding of responsibility or non-responsibility and rationale for their decision.

## Live Hearing (Sexual Misconduct Matters)

- The **Investigative Report** and **Notice of Hearing** are issued to the parties at least ten (10) calendar days in advance of the Hearing under the Resolution Process for Sexual Misconduct.
- During the Hearing, the parties have the opportunity to address any information in the Investigative Report and supplemental statements submitted in response to the Investigative Report.
- The parties have access to the evidence related to the allegations during the Hearing to give each party an equal opportunity to refer to such evidence during the Hearing including for purposes of questioning.
- Only Hearing Advisors are permitted to ask relevant questions to the other party or witnesses.
  - The Hearing Officer can allow or disallow a question from being answered. If the question is disallowed, the Hearing Officer will provide an explanation.
- The Hearing Officer can ask direct questions of the parties, witnesses, and/or the Investigator
- Parties have the opportunity to make opening and closing statements
- If a party does not have an advisor at the time of the hearing, a University-appointed advisor is provided by EEO-TIX **at no cost** to the party



# Misconduct Sanctioning Panel (MSP)



## What is the Misconduct Sanctioning Panel (MSP)?

- The MSP is the body that determines the appropriate sanction when there is a finding of responsibility for a Policy violation involving a Student Respondent, at the end of an EEO-TIX Formal Resolution Process.
- For Student Respondents, the Sanctioning Panel will be composed of two employees appointed by the Provost and Senior Vice President for Academic Affairs, and one student appointed by the Vice President for Student Life.
- The student panelist will match the status (undergraduate or graduate) of the Student Respondent

# MSP Document Review

- **For DHR matters:** the Investigative Report, written responses to the Investigative Report, and any mitigation or impact statements submitted.
- **For SM matters:** the Investigative Report, written responses to the Investigative Report, the Hearing Officer's determination, any mitigation or impact statements, and all other submissions from the parties.
- **Important Note:** Personally identifiable information that could identify Respondent or Reporting Party is redacted from the materials provided to the MSP (to counter potential bias).

# Statements

- **Mitigation Statement** - The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed.
- **Impact Statement** - The Reporting Party may submit a written statement describing the impact of the Prohibited Conduct on the Reporting Party.
- Each party has the opportunity to view the other party's statement prior to the imposition of sanctions.

# Sanctioning Considerations (Factors)

- the nature and severity of the conduct;
- the impact of the conduct on the Reporting Party;
- the impact or implications of the conduct on the community or the University;
- prior misconduct for which the Respondent has been found responsible, including the Respondent's relevant prior discipline history, both at the University or elsewhere (if available), including criminal convictions;
- whether the Respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning, including whether there is a continued hostile environment on campus caused by the Respondent's conduct;
- presence or absence of bias as a motivation for the Respondent's conduct;
- protection of the University community requiring extended protective measures or other sanctions; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case

## Range of Sanctions

Sanctions imposed upon Students can include a range of sanctions, including one or more of the following:

- Warning;
- Censure;
- Education;
- Counseling;
- Disciplinary probation;
- Loss of privileges;
- Suspension or expulsion from University housing;
- Suspension or expulsion from University premises; and/or
- Suspension or expulsion from the University's academic or extracurricular programs.

Any of these sanctions may be supplemented with additional required actions by the Respondent.

# Grounds for Appeal (by either party)

1

- **Procedural irregularity** that affected the outcome of the matter.

2

- **New evidence**, not reasonably available at the time of the hearing, regarding responsibility or dismissal of the Formal Complaint, that could affect the outcome of the matter.

3

- The VP of EEO-TIX, Title IX Coordinator, Investigator(s), Hearing Officer, or Sanctioning Officer/Panel had a **conflict of interest or bias** for or against Reporting Parties or Respondents generally, or the individual Reporting Party or Respondent, that affected the outcome of the matter.

## Timeframe for Meeting and Determination

The MSP must convene no later than 10 calendar days following the referral of the Hearing Officer's finding of facts and determination of responsibility.

The MSP will draft a written sanctioning determination that will include the sanction and the rationale for the sanction and forward it to the EEO-TIX Office within five calendar days for simultaneous distribution to the parties.

The names of the specific three MSP panelists will be included in the written sanctioning determination for the parties to review.



# What to Expect for MSP Deliberations



# MSP Deliberations

- Conducted over Zoom
- Typically scheduled for two hours; if more time is needed, follow-up meetings can be scheduled
- MSP deliberates over the factors and determines the sanctions
- Catherine, Linda, and/or Jessica (EEO-TIX) are present to oversee the MSP's adherence to the University's Policy and Resolution Process, and to answer any questions
- Any conduct history, as well as the academic standing of student parties, will be provided

- Personal Preparation: Be Objective
  - Identify and set aside personal biases and prejudices
  - Be careful to avoid making assumptions as to how a person “should” react
  - Avoid putting oneself in the shoes of the Reporting Party or the Respondent
  - Recognize emotional impact, if any, but do not allow emotion to impact fair and impartial deliberations

# Role of the Hearing Manager



**Cat Monaco** (*she/her*)

Hearing Manager

[cmonaco@usc.edu](mailto:cmonaco@usc.edu)

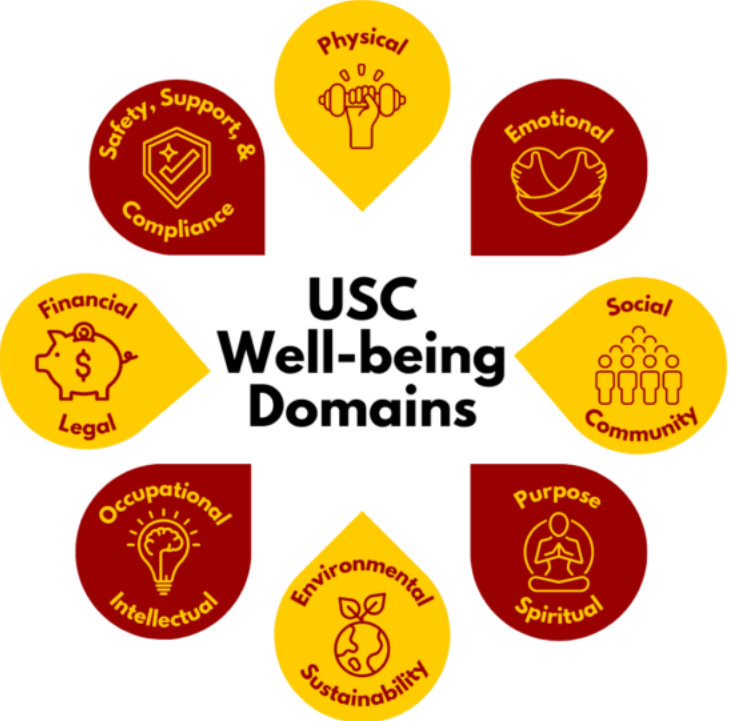
## Administrative Updates

- Spring 2024 Availability:
  - Please email Cat and Jessica with known "avoid" dates for Spring 2024
- Yearly commitment; annual training
- Likely 2-3 matters per year
- Communication via email; please try to respond promptly

# Tips from Experience

*Thank you to our returning panelists for sharing insights with the new group of panelists!*

# Your Well-being



FOR  
QUESTIONS OR  
MORE  
INFORMATION:



# FIGHT ON FOR CIVIL RIGHTS!

If you observe or experience discrimination, harassment, or retaliation, contact USC's Office for Equity, Equal Opportunity, and Title IX (**EEO-TIX**) for help:

**(213) 740-5086**

**(M-F 8:30 AM – 5:00 PM)**



**USC**

**eeotix@usc.edu**

For 24-hour reports (with the option to be anonymous), contact USC's Help & Hotline at:  
(213) 740-2500 or (800) 348-7454 or [report.usc.edu](http://report.usc.edu)

# QUESTIONS?

---

