Top Ten Issues in Student Conduct

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Top Ten

1. Title IX and Violence Against Women
2. Admission Clearances and Transcript Notation
3. Threat Assessment/ Mental Health
4. Documentation & Record Retention
5. Clery Act
6. Student Code of Conduct
7. Due Process
8. Advisors
9. Working with Law Enforcement
10. Media
1. Title IX and Violence Against Women Act

- Training and resources
  - Dr. Rebecca Campbell
  - Russell Strand
  - Joseph Storch, State University of New York
  - National Center for Campus Public Safety
  - Stalking Resource Center
  - End Violence Against Women International
  - Not Alone
1. Title IX and Violence Against Women Act

- Campus Climate Surveys
  - National resources
- Simultaneous written notification of outcome
  - Must include rationale for result and sanctions
  - Include how evidence was weighed
- Trauma-informed investigations/adjudications
- Recording keeping and tracking/trends
2. Admission Clearances and Transcript Notation

- Admission Clearance Process
  - What questions do you ask on admission applications?
  - What information is collected if an applicant affirms a question of the application?
  - Who reviews admission clearance cases?
  - What criteria is considered during an evaluation?
  - What are possible resolutions?
  - What is the process if someone does not share accurate information?
2. Admission Clearances and Transcript Notation

- Transcript Notation
  - History/Issues
  - Input from national organizations
  - Benefits of transcript notations
  - Transcript notation process
  - Points to Consider
3. Threat Assessment/Mental Health

- Rising mental health concerns
- Multi-disciplinary threat assessment team
3. Threat Assessment/Mental Health

- Develop procedures on addressing identified concerns
- Develop avenue to track concerns
- Market threat assessment team to campus community
3. Threat Assessment/Mental Health

- Questions that might guide threat assessment
  - What are the person’s motives and goals in relation to harm?
  - Have there been any communications suggesting ideas or intent to harm?
  - Is the person experiences hopelessness, desperation, despair?
  - Does this person have a trusting relationship with at least one person?
  - Is their “story” consistent with their actions?
  - Shown inappropriate interest in weapons, mass violence, stalking,
  - Has the person engaged in attack-related behaviors? (developed plan, acquire materials)
  - Does this person have ability to carry out the harm?
  - Does this person see violence as an acceptable/desirable way to solve problems?
  - Who is concerned?
  - What circumstance might affect the likelihood of violence?
4. Documentation & Record Retention

- Importance
- Establish an avenue to track student conduct records
- Establish a length of time to keep records
  - OCR = 3 years
  - DOJ = 5 years
  - Clery = 7 years
  - State retention requirements
  - Institutional retention requirements
5. Clery Act Update

- VAWA implementation required for 2015 statistics
- Review of 2015 Statistics
  - Geography
  - Revised Hierarchy Rule
- Definitions
  - Dating violence or domestic violence?
  - Consent - 21 O.S. § 213
6. Student Code of Conduct

- Establishing a Student Code of Conduct
- Annual Review
- Hearing Officer/Panel Training
- Graduate and Professional Schools
6. Student Code of Conduct for Graduate and Professional Schools

- Should you have a Code of Conduct?
  - *Dabagh v. Case Western Reserve University* (6th Cir.)
  - Academic or conduct?
  - “Al-Dabagh’s dismissal on professionalism grounds amounts to a deference-receiving academic judgment...”
7. Due Process

- Basic Concepts
  - Procedural Due Process
  - Substantive Due Process
- Respondent Litigation Trends
  - Notice issues
  - Private schools
8. Advisors

- Must allow both parties advisor of choice, but can limit role
- Set expectations early
  - Can dismiss advisor if disruptive
- Provide resources and education
  - Advisors’ guide
  - Difference between criminal and conduct processes
9. Working with Law Enforcement

- Memorandum of Understandings (MOU)
- Waiting on investigation Title IX cases
- Increase in THC Concentrates
  - Kief
  - Oil/ 710
  - Wax
  - Budder
  - Shatter/Glass
  - Dabbing
  - Edibles
  - Rosin Method
10. Media

- Open Record Requests
- FERPA Exceptions
- Involving and training Public Information Officer
- Pro-Active vs. Reactive