THE “LEGALIZATION” OF STUDENT AFFAIRS
INTRODUCTION

• Hello, my name is...
• The “Legalization” of Student Affairs
  • Chronicle of Higher Education Article
  • What is Student Affairs?
  • Evolving demands in Student Affairs
  • Legal implications and concerns within Student Affairs
WHAT IS STUDENT AFFAIRS?

• Educators for life outside the classroom
• Goals/Mission Statements include
  • Enhance students core values
    • Citizenship
    • Community Service and Spirit
    • Responsibility and Accountability
  • Provide support services to assist students
    • Academic pursuits
    • Career goals
AREAS IN STUDENT AFFAIRS

• Academic Support Services
  • Tutoring
  • Retention Programs (First Year Experience Courses, Parent Programs, Bridge Programs)
  • Career Services
  • Graduate Fairs
  • Testing Centers for Graduate program requirements
  • ADA/Disability Services

• Health Services
  • Nurse
  • Doctor
  • Counselor
  • Relationship with local medical centers (i.e. MedExpress or Doctor’s Urgent Care)
CAMPUS LIFE OR STUDENT LIFE

• Campus Activities
• Student Clubs and Organizations
• Greek Life
• Intramurals
• Club Sports
• College Union or Student Union
• Recreation and Fitness Centers
MULTICULTURAL AFFAIRS

• International Students Support Services
• Study Abroad Programs
• Diversity Education Programs
• Spirituality and Faith-based Services
• Specialized Support Services and Programs
  • African American
  • Asian/Pacific Islander
  • Native American
  • Women’s Centers
  • LGBT Student Center
HOUSING & RESIDENCE LIFE

• Housing Operations
• Room Assignments and Changes
• RA Training/Staff Development
• Programming/Activities
• Student Conduct immediate response and post incident follow-up
STUDENT CONDUCT

• Jurisdiction
  • On-Campus Violations
  • Off-Campus Violations
  • Clearly stated policy of jurisdiction in Code of Conduct/Student Handbook
• Levels of Offenses dictate the response and sanctions
• Student Conduct Hearing Boards
• Differences from Legal System
  • Rules of Evidence
  • Responsible for Violation vs. Guilty of Crime
  • Sanctions vs. Punishment
• Sanctions are educational when they can be and punitive when they must be.
• Ever-changing legal implications in the decision making process
ADDITIONAL AREAS

- Enrollment Services
  - Admissions
  - Financial Aid
  - Registrar
- Athletics
- Campus Security or Campus Police
TITLE IX COMPLIANCE

• More than gender equality in athletics
• Sexual Misconduct
  • Sexual Harassment
  • Acts of Sexual Violence
• Title IX Coordinator and Investigators
• Proactive Plan
  • Education
    • Sexual Misconduct Policies and Response
    • Preventative Steps for Students
    • Safety Awareness
    • Campus SaVE Act
  • Campus Climate Survey
• Reaction from the College/University
  • Title IX Investigation
  • Keep the complainant informed
  • Report to Clery Act Compliance Coordinator
  • Appropriate follow-up with Counselor and other resources on and off campus
TITLE IX INVESTIGATIONS

- Role of Title IX Coordinator
- Role of Title IX Investigators
- Advisors for both parties
- Interviews with all parties
- Confirmation of details from interviews
- What if the complainant does not want to pursue the complaint?
- Referral to Student Conduct or Final Resolution
- Timely Resolution
CLERY ACT COMPLIANCE

• Who is Jeanne Clery?
• Annual Security Report
• Violence Against Women Act (VAWA)
• Campus SaVE Act
• Dear Colleague Letters
• “Good faith effort”
• Timely Warnings
  • In a manner likely to reach all members of campus community
  • Crimes an institution is required to report in its ASR
• Emergency Notification
  • “Significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus”
• Public Crime Log
• Report Crime Statistics to US Department of Education prior to October deadline
• Violence Against Women Act (VAWA)
• Campus Sexual Violence Elimination Act (SaVE)
• March 7, 2013 President Obama signed a bill to strengthen and reauthorize VAWA including Clery Act Amendments
• Campus Sexual Violence Elimination Act addressed additional rights to campus victims of:
  • Domestic Violence
  • Sexual Violence
  • Dating Violence
  • Stalking
• Requirements
  • Transparency
  • Accountability
  • Education
  • Collaboration
CAMPUS SAVE ACT

• Transparency
  • Provide Complainants with written rights to:
    • Be assisted by campus authorities
    • Make accommodations to avoid a hostile environment (i.e. classes, housing, workplace)
    • No Contact Order or Restraining Order
    • Description of conduct process and possible sanctions
    • Receive contact information for on and off campus resources (counseling, mental and physical health, victim advocacy, legal assistance, etc.)

• Accountability
  • Prompt, fair and impartial investigation and resolution
  • Officials have annual training on domestic violence, sexual assault and stalking
  • Both parties may have advisors present during meetings and/or hearing
  • Both parties receive written outcomes of disciplinary proceedings at the same time
CAMPUS SAVE ACT

• Education
  • Primary prevention and awareness programs for all incoming students and employees
  • Safe and positive options for bystander intervention
  • Information on risk education to recognize warning signs of abusive behavior
  • Ongoing prevention and awareness programs for students and faculty

• Collaboration
  • US Department of Justice
  • US Department of Education
  • US Department of Health and Human Services
  • Collect and disseminate best practices for prevention and response
ANNUAL SECURITY REPORT (ASR)

- Publish by October 1st annually
- Security policies and procedures
  - Rights and policies for students, faculty and staff
  - Disciplinary Process
  - Procedures for victims of crimes to follow
    - Reporting procedures
    - Preserving evidence
    - Law enforcement and campus authorities options
    - Missing Student Policy
    - Information on the basic rights guaranteed to victims of domestic violence, sexual assault, dating violence, and stalking
ANNUAL SECURITY REPORT (ASR)

• Must be made available to:
  • Current students and employees
  • Perspective students and employees must be notified of its existence and given a copy upon request
  • Online copies are acceptable, paper copies must be available

• Crime Statistics
CLERY ACT CRIME STATISTICS

- Criminal Homicide
  - Murder and Non-negligent Manslaughter
  - Negligent Manslaughter
- Sex Offenses
  - Forcible
  - Non-forcible
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

- Arrests or referrals for campus disciplinary action (if an arrest was not made)
  - Liquor Law Violations
  - Drug Law Violations
  - Illegal Weapons Possession
- Hate Crimes
  - Larceny/Theft
  - Simple Assault
  - Intimidation
  - Destruction/Damage/Vandalism of Property
AMERICANS WITH DISABILITIES ACT (ADA)

• Protects persons with disabilities from discrimination
  • Physical or mental impairment
  • Limits major life activity
• Always changing
  • Food allergies
  • Pregnancy
• Renovation Requirements
• Classroom accommodations
• Residence Hall accommodations
• Academic Support Services
• Service or Assistance Animals
  • Title II of ADA
  • Section 504 of the Rehabilitation Act
  • Fair Housing Act
ADDITIONAL CONSIDERATIONS AND CONCERNS

• Response to suicide or threats of suicide
  • Contacting parent/guardian
  • Counseling – optional or required
  • Implications for residential students

• Bullying/Cyberbullying
  • Implications of social media
  • No contact orders (including direct and indirect)
  • Response through Student Conduct
  • Is there a threat involved?

• Gender Neutral Housing
  • What options are currently available that could be made gender neutral?
    • Houses
    • Apartments
    • Suites
    • Private rooms
    • Private bathrooms
ACTIVE SHOOTER SCENARIO

• Emergency Response Plan
  • Critical incident response/management team (cross-functional approach)
  • Education of faculty, staff, and students on what to do

• What is the College/University policy?
  • Lockdown
  • ALICE Training
LOCKDOWN APPROACH

• Lock/barricade the door
• Shut off lights and close window blinds/curtains
• Hide under tables or in the corner
• Be quiet

Theodore Roosevelt
PROACTIVE APPROACHES
(ALICE TRAINING)

• What is ALICE?
  • Alert
  • Lockdown
  • Inform
  • Counter
  • Evacuate

• Proactive vs. passive approach

• Enhancement of current safety protocols (Lockdown plus)

• Empowers campus community members
  • DO something
  • DO NOT wait to be a victim
ALWAYS CHANGING

• Needs of students and parents
• Federal and state requirements/laws
• Campus culture
• Student Affairs
QUESTIONS
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