

Student Conduct Information Session

NANCY YOULDEN: My name is Nancy Youlden. I'm the Vice Chancellor for Student Affairs and Enrollment at WSU Vancouver. And I was one of the co-chairs for the student conduct process task force.

We did do some presentations all over the state last Wednesday through Friday. Jim Mohr, Vice Chancellor for Student Affairs from Spokane is not able to join us. He's currently in Atlanta.

Garrett Kalt was another member of the committee who-- he deserves a day off today as a student in our ASWSU Vice President.

Mary Jo Gonzales-- Mary Jo, just introduce yourself as well. Make sure who knows who you are.

MARY JO GONZALES: Absolutely. Mary Jo Gonzales, Vice President for Student Affairs, and our office is the one who oversees the entire student conduct process. So it's really good.

I want to also very publicly thank Nancy for her amazing work leading and steering the committee, which was a pretty behemoth task.

NANCY YOULDEN: Well, thank you, Mary Jo. I'm not even going to disagree with you on that last point.

So I want to go through this next slide, the brief history. In fall of [? 2016 ?], President Schulz had just joined the University in that summer. And there were a few key-- very high visible student conduct issues that came up. And he decided that it was imperative and important to do a comprehensive review of the student conduct process. [AUDIO CUT OUT] member task force and really said, I want you to complete a comprehensive review of the process and provide a report to me the following spring.

So the task force, part of our work was to solicit comments from the Cougar community. And we received over 300 comments from students, faculty, staff, alumni, and the general public.

And I can tell you that, in general, the comments were pretty skewed to being negative and not feeling like the process was entirely fair all along, or there maybe wasn't good communication. They had lots of questions about it.

And so our task force actually divided up into subcommittees to focus on various areas, and those areas were the hearing process, something called the Lyons O'Dowd report, which was commissioned by the president. Lyons O'Dowd is a law firm, and basically, President Schulz asked them to take a look to see if there was any ethnic or racial bias in the student conduct process. They determined that there was not ethnic or racial bias, but they did have some handful of suggestions for the student conduct process that might improve it.

We had one of our subcommittees look at best practices around the nation with our peer groups. Also group accountability consumed an awful lot of time.

And just so everyone is clear, group accountability really is about any kind of organized group of students, whether it's the marching band, athletic groups, sports team, Greek house, it could be a student club, but the group accountability question is really about how does the conduct process work when you identify that there are groups of people within an organization that maybe are contributing to something that it violates the student code of conduct.

We also had one of our subcommittees look at the online survey results. I mentioned to you that we received over 300 comments, and so part of the group of that subcommittee was to put all those comments in themes and try to determine-- to make it a little bit easier to digest.

So we worked through last year, and we thought that we were probably done last spring. But because of a variety of reasons and the fact that some of the members of the task force felt that we weren't quite through and that we hadn't plowed through some of these topics and really discussed them in detail, the president said, I'd like the group to continue. It was at that time where Jim Mohr and I were asked to be the co-chairs of the committee.

So that's a brief history. January 22nd, we actually submitted to President Schulz our full report, which is not a very long report. It's one that you can view online. I'll give you the URL and the link for that in just a moment.

In terms of what happens next-- so we have provided this report, submitted this report from our task force to the president. It is under administrative review through the AG's office, through the Student Conduct Office.

We need to really determine is it feasible, is legal? Can these 32 recommendations that the task force made-- do we want to implement them as a University.

The president will ultimately make a final decision on those recommendations, and it's my understanding then that it will be converted to WAC, Washington Administrative Code, and it will go through the standard WAC process where there is an opportunity for public comment. The goal is to get these in front of the Board of Regents.

Mary Jo, is it the May meeting that they should be in front of the Regents?

MARY JO GONZALES: Yes, the final draft in front of the main Regents meeting for a future action item. Regents will actually vote on the item at the June meeting.

NANCY YOULDEN: OK, the June meeting. And the hope is that these can be implemented for Fall of 2018.

So any questions on the history and what the committee, what the force did? No. Hearing nothing, I will proceed.

We organized our themes-- or I'm sorry we organized our recommendations in six themes, and I'm going to run through those.

The first one is student notifications. I'll be honest. When I read the comments from people, it was clear to me that we could do a better job as an institution in terms of our communication with students before, during, and after the student conduct process. So you'll see in one through six that that is really the theme.

I think it's fair to say that there was a sense by some of the Cougar community that there was kind of a gotcha with the student conduct [AUDIO CUT OUT], and I absolutely don't believe that was the intent. But I think if we don't communicate properly and provide really good, clear information for what can be a complicated and daunting process for a student, that it might feel like gotcha.

So I think you'll see one through six is really meant to improve communication and help students understand that they do not have to self-incriminate themselves. They can say at any point, I don't want to talk, I don't want to go further.

We want to make sure number four, in the notification letter to students, that there's clear language that helps them understand that a brief adjudication, which is used for minor violations, that that process-- during that process-- it is possible for it to turn into a full adjudication based on some information that was disclosed.

And number four really says, we want to make sure students know that. And be clear with them so they don't feel like something they disclose, all of a sudden they're having a full adjudication they didn't know anything about.

Again, we want to be very clear with students throughout the process.

Number five really just talks about the tone of communication. At the University and probably at most universities, particularly with minor offenses, this is always meant as an educational process.

And I think for students, it felt punitive when it in when it shouldn't have felt punitive. And part of that is the tone of communication and how we convey information about the process.

Any questions about student notifications? Mary Jo, anything you want to add?

MARY JO GONZALES: See, I would only just add that this is a really important part of the conversation for the task force when I was there. That students really needed to understand unequivocally what their rights and responsibilities were.

And so I'm really glad that the task force focused on this and that they would be in terms that students could understand. I mean the joke is we write in WAC-ese but we forget that that's not 18 to 22-year-olds speak. And so I'm really excited that the student of the notification part is a critical component of moving forward with student rights and responsibilities.

NANCY YOULDEN: Yeah, I totally agree, Mary Jo. And I would also say from where I sit that what we're doing now really just aligns with the way we always intended this to be. I think over time, and who knows why, but I don't think we were doing this in the way that we've always intended and is really part of the Student Affairs and the student conduct [INAUDIBLE] intent.

So I'll go onto the next slide.

We spent a lot of time talking about the conduct and appeals board, structure and member-- I am not going to go through each one of these verbatim. But basically, we're talking about the idea that everyone receives training. It's training on implicit bias, on other kinds of bias, and making sure cultural competency is-- really making sure that board members and both for appeals and the conduct board are well trained and come into this process and have a full understanding of those biases and can provide a really objective voice and vote as they go through this.

And we're actually saying that conduct officers cannot participate in a student conduct matter until they receive training in a number of these areas that I've referenced.

We're also suggesting that conduct officers have a renewal of training so that as there are new areas that come up, that people have a chance, that it's not a one and done. That there is an expectation that you will continue to be trained.

So you can see with the training that we're talking about, it really is a commitment to be on a conduct or appeals board, but I think a really critical part.

As we looked at the online comments, it was clear that some people felt that there were biases in the process. And I think we want to make sure that's not the case.

On the next slide, this is, I think, an important piece too. One of the complaints was the fact that it looked like some student conduct board members were staying on the board forever and ever. And I think that that happened because there are a lot of people who are not interested in serving.

But we as a task force really think there should be some term limits forced on student conduct board members and also the conduct board chair. We did not specify what it should be for the conduct board chair. We know that that role will take a while for a person to get completely comfortable with that role. So that they may have to be in it a little bit longer. But we do believe that term limits should be established.

We also indicated in number 10 that [INAUDIBLE] representatives from all of the campuses, all the WSU campuses from Global, from all campuses that serve as part of the conduct board pool and are trained.

And the final one, this is actually not a change, per se, but some-- but the committee just wanted to daylight and underscore is that the president shall appoint student conduct board members from an established recruitment and application process.

It's my understanding that the president was always appointing these, but it, I think, at times felt like Student Affairs was doing it. And the committee was clear that they wanted the president to have a role in that process.

Any questions about that slide?

I'll move to the next slide, which is text heavy. But, first of all, number 12 is the idea that board members shall be shared at least 10 days in advance.

And this is when a student is going before a conduct board. It's important that they know who's on it.

And a student would have an opportunity to ask for one member to be removed from the committee. We won't ask any questions.

They would have that chance to-- in case that there's a faculty member or some-- who maybe had some experience with, they would have that opportunity. If they'd like to have a second conduct member recused or removed, they would, in fact, have to provide justification through a formal process. And that's 12b, the Model Rules of-- [AUDIO CUT OUT].

And conduct officers and appeals board members also have the right to recuse themselves in case they see that there is a student case that they're supposed to preside over. If they know that student or the family or something, they have the ability to say that they will recuse themselves. So we just want to ensure that there's no conflict of interest.

And if there's no questions on this slide, I will move to the next one.

Continuing with conduct and appeals board structure and member training, this is really critical. We talk about student rights.

And number 13 is students will have access to conduct advisors for both brief and full hearings, who can provide procedural and substantive guidance. And important to note in full adjudicative hearings, which are the ones where there is the most at stake, it would be loss of recognition, if you're Greek house. It could be potential inability to get a degree, it could be [AUDIO CUT OUT] over 10 days or expulsion. Those are the full adjudicative hearings.

Students, in those case, will have the right to retain and be represented by legal counsel. So the idea is when there is more at stake, there is the opportunity for legal representation.

In item number 14, we talk about the appeals board and the members, and the idea that three would be quorum. I think an interesting change is the idea that the majority shall be students.

Terms and [INAUDIBLE] for the appeals board would be similar to the conduct board.

I think the last one I've referenced this just slightly, but the idea that sometimes it's hard to get faculty and staff to serve on committees like this. Sometimes the work can be intense, hard to predict when you will have these conduct cases.

So I think we have, as an institution, I think we have to figure out how do we incentivize for faculty and staff to serve so we don't end up with the same people on a repeals board for year after year. I think that's an important piece.

Any questions, or Mary Jo, is there anything you would like to add at this point?

MARY JO GONZALES: The only thing I'd like to add, Nancy, is that I believe the commitment to students and having that perspective on the conduct board is absolutely critical. I also think the role of the contact advisors, which we've heard numerous feedback about, is that students really didn't know how to utilize conduct advisors.

And so giving them the permission to assist with both the procedure-- and that means what's going to happen, in what timeline, and what order, and the substantive, which is here's how you might want to argue your position. Or what are you thinking is most important the case and then talking it through with the student is absolutely critical. And so those two changes really address the key elements around students knowing the process and also having someone there along with them during the process so that they can make this truly an educational process.

NANCY YOULDEN: Absolutely. And one thing I'll point out, brief hearings are really ones where it's a minor offense. It could be minor in possession, something like that.

Students have the right to have an advisor there as a friend or colleague, or even a legal representative but they are not allowed to speak during that brief adjudicative hearing. It's only at the full one that they do.

And so, again, I think this is all about students having clear information, having their rights, and also being able to represent themselves and learn-- particularly at the brief one.

So I think I will move on.

One of the things that we realize we need to clean up, number 17, is the use of business days. So we had in some days, in some cases, there was reference to academic days, business days,

and so we want to standardize throughout the conduct language that it says business days. We think this could be helpful.

Again, you can imagine if we are saying academic days in one situation and business days in another. Could be very confusing not only for the students but obviously from contract officers as well.

And I think that number 18 is an important one, the full adjudication for serious cases. And this is actually the way WSU is operating right now, for those serious cases where there is loss of recognition, expulsion, more than 10 days suspension. There is an administrative law judge that is presiding over those currently, and we are suggesting that that should continue.

19 is an important one as well. I think there were students who felt like they came into the process and they were already guilty. That certainly wasn't the case.

And so 19 calls out that all students and recognized student organizations are presumed not responsible for pending charges and any charge must be proven by preponderance of evidence, meaning that is more likely than not that the violation occurred.

And number 20, I don't think we've use this as an institution much before. But the student conduct officer will consider whether alternative dispute resolution may be suitable to resolve the matter. Both parties must agree to this.

There are some cases where you'd never do this in any kind of sexual assault case. But as I keep mentioning, this is really intended as an educational process. And I think oftentimes for people to work through conflict with some mediator or someone else who can help them through that can be very productive.

And number 21, we didn't do this, but a couple of times, where the task force actually provided specific text that we were suggesting incorporated. And this is actually-- I think University of Washington's text about Good Samaritan.

And basically it says that we're concerned about the safety of our campus, and if there is someone who brings forward-- let's say I'm 18 and I am drinking and yet I can tell that my friend has passed out and I'm really concerned about them, instead of me being worried about getting in any kind of trouble, I need to be able to bring forward my friend to public safety or to health and [? wellness ?] and get them the help they need without worrying about the consequences of my actions.

And so this is really the Good Samaritan policy, and you can read through it. I'm not going to go through all of that text, but that's the essence and the gist of it. And we think that this is really important in order to protect our campus community and the safety of our campus community.

I'll move to the next slide. Conduct process. We are just about done.

Number 22 really talks about the inability to use the sexual history of a complainant in the court or the conduct proceeding, except in the case to explain the nature of a relationship between the complainant and respondent.

And so we actually ran this text by Kim Anderson from the OEO office to make sure that it's [? legit, ?] and she felt that it was good language. So we put that forward.

Number 23, we had actually had a sub [INAUDIBLE] on accountability, and I think they met more than any other committee. There was a lot of emotion around group accountability. And we finally, as a group, agreed on this sentence that said, a registered, recognized, or affiliated student organization may be held accountable for the behavior of its members when it is clear that a violation was overtly condoned by the organization or its officers.

And without going into tremendous detail, what I came to understand is that, particularly with some [? alums ?] there was a sense that the student conduct process in the past jeopardized some of their students and their house and livelihood in a way that wasn't fair to the whole process. And I don't think any of them that I've talked to would not want students to be responsible if they are actually involved in some way with a violation of Student Conduct.

But their constraint is that innocent members and innocent folks have in the past been in some way penalized for some group accountability and some actions. And so this is what the group finally agreed to.

And the final one, people just wanted to make sure that we were very cautious about timelines when it came to breaks and finals and holidays and so that students weren't caught up in a timeline where they [INAUDIBLE] on campus or they were focusing on finals.

Mary Jo, anything to add or any questions?

This is a lot of talking at 5 o'clock on a Monday night, I just might mention.

And then the review of policies. This basically says that the standards of conduct will be reviewed by something called Student Government Counsel. That is a group of all the presidents and vice presidents of the WSU system, and they are the represented, the elected students. And so this is basically saying that when there are edits and changes made that this group gets a chance to take a look at it.

We have just a handful of slides left. Anybody have any questions?

So I will move on, hearing none. Educational outreach campus community. I think this is another really important element.

Even though we can't tell someone specifically, if you do this behavior, this is exactly what's going to happen. We can provide some guidelines that say, these kinds of behaviors could result in this kind of sanctioning.

And we really need to make that available to people so they understand and that this isn't so mysterious for students and so complex and confusing.

Number 27, I think is an important element as well. At the end of each academic year, the Office of Student Conduct will provide an annual report to Mary Jo, to the Vice President of Student Affairs, which will provide some breakdown of the types of sanctions, the type of violations.

And I think this would be information that would be shared publicly so other people can see it. And I think, again, a really important piece and an important recommendation from the task force.

And 28, create videos to educate students on the conduct process. As a committee, we found that we were confused at times about what happens next.

And so the idea of videos could be very conducive to helping demystify. It could be the kind of videos that potentially could be used during Alive and new student orientation.

Number 29 is very much in line with that idea, a flow chart, so students can get a sense of how this process works. And it shouldn't be something that is so confusing that students just get lost in the process.

And I think number 30 just talks about being more intentional in promoting and highlighting the educational nature of the process.

MARY JO GONZALES: Nancy, can you go back to that slide for just a moment? Can we go back to that slide for just a minute?

I think it's really important to highlight for folks on the web and those who are viewing it after its live stream is that these are critical components that happen nationally and across the country. So these are best practices that students would understand and know when an incident happens, what they might be able to expect in terms of the process in a very simplistic flowchart that says here's step one, here's step two, here's step three.

It also is important that students know-- and that's number 26-- that sanctioning guidelines. So students understand that when they engage in behavior that is against the community and they're not being active or productive members of the community, that there are possible sanctions that go along with that.

And so these two guidelines will also-- these two forms that will be available on the web-- will also help students understand, again, holistically how it is that when they engage in behavior that's not appropriate for the university community, how they will be treated. And so I'm really excited that the task force made a decision to include. These are really critical key components and best practices across the country.

NANCY YOULDEN: Thanks, Mary Jo. I think Mary Jo referenced earlier that we have to put this in the language that students can understand. And even though we need to do a student handbook, having a lot of text heavy materials is not the way [? students ?] want to read and absorb information. So we've really got to think about what is a little more contemporary in terms of conveying this information.

One point that I would make-- and Olivia, you might be interested in this-- but the task force is putting a lot of recommendations-- 32 total forward. And we recognize that there's a lot of work and resources involved, even if these were all accepted.

And so we know it's going to take some time to not only to have these approved, but then to implement those that are approved. But I think that we're all interested in the trajectory that we're in the direction that we're heading.

Any other comments before I go to the last two recommendations?

OLIVIA: Yeah, I just had a question. If this were to pass and everything, this would be also made available to parents as well, right, not just students?

NANCY YOULDEN: Absolutely. I think-- Mary Jo, I don't know if you want to add something too, but I think the idea is I know that there's parents that are involved in Alive program. I think that there would be a great opportunity to share [INAUDIBLE] with them. But Mary Jo, why don't you go ahead.

MARY JO GONZALES: Absolutely, so Olivia, you had a very important question for us. It is also about every single aspect, so it actually just isn't parents. It's alumni, it's perspective students who can understand what the expectations are coming into our community.

So we're really seeing this as a way to educate everyone about who WSU is and what does it need to be a member of the WSU community and the WSU family.

And so very good question, and definitely it will be a part of how we lead when we talk with students about this is how you be successful, and here's the tools that you need to do. And it so it will absolutely will be available to any number of the University community, however they're connected or affiliated with us.

OLIVIA: Great. That sounds awesome.

NANCY YOULDEN: Yeah, thanks, Olivia. Anything else before we go to the next slide?

So the final two recommendations by the task force are really about assessment and evaluation.

Number 31, conduct post-hearing survey evaluation with parties and compile the results. I think it's critically important that whether you're the complainant or the respondent that you are treated respectfully, that you're clearly communicated with, and so this idea of giving people a chance to talk about the process as they go through it is really important.

Number 32, we suggested appointing a president's conduct advisory board, consisting of individuals who don't serve on the conduct board. But students, faculty, and staff that can review the issues that would look at the annual report, examine various demographic data, and provide recommendations for changes to the code as appropriate.

Again, I think there's a little bit of checks and balances that the committee tried to write into their recommendations. That's evident in 31 and 32.

We have a couple more slides, but any questions on the 32 recommendations that we are putting forward?

So I think I'll move to the next [AUDIO CUT OUT]. So I mentioned that we reassembled as a task force in the fall, this past fall. And one of the things that was obvious is there were a very diverse group of individuals, a large committee, and we recognized that we likely were not going to be able to come to consensus or even majority on maybe some key issues.

So as a task force we determined a protocol for voting. And we also decided that it would be very important to have any kind of minority voice or dissenting opinion, when we couldn't come to agreement, that that dissenting opinion, in fact, would be reflected and included in our report to the president.

So there were really only two issues where we needed to do that. But I can tell you that I think the task force felt very good about the process we had for our voting protocol for these recommendations and to make sure that everyone's voice was heard.

So out of the 15 voting members, there were four task force members that believed that any student organization charged under group accountability-- and once again can be the marching band, an athletic club, a student organization-- that they believed that any student organization charged under group accountability should, in fact, be afforded a full adjudication for all violations due to the following reasons.

Obviously the property investment by alumni and others-- this probably pertains mostly to Greek life and fraternity and/or sorority houses. Their concern also was that the actions of a few could impact many. So they wanted it to go to the full hearing process.

And the third bullet was really just the notion that the full adjudication process will provide additional due process and protections.

And this is not the complete wording. You can see that online, but these bullets, they're key points of why they believe this.

I might offer, the other 11 members didn't agree with this, and I think the reason why is because they felt, first of all, that the process now, even at the brief adjudication, even with brief adjudication, is in fact, going to be a very fair process, and that's going to be good communication and that's going to be a changed process as we go forward. And I think they were also concerned about the feasibility of taking all group accountability to that higher level of adjudication.

So that was one of the key areas that really consumed an awful lot of time and discussion.

Are there questions about group accountability and these dissenting comments related to group accountability?

Well, that was easy. We'll go to the next slide.

The other dissenting comments were related to representation during brief adjudication. I believe I'd mentioned that during brief adjudication, which is used for lower level, very minor violations, that a student can always have an advisor or representative with them, but they are not allowed to speak.

So in this case, five members of the task force wanted to allow [? an advisor ?] or representatives for a student that they would have the right to speak on behalf of the student during the process. And the reason for that, the reason they believed that is the potential for information disclosed by the student in brief adjudication could be used against them in full adjudication. They also thought that prohibiting representatives from speaking may, in fact, violate the state's administrative Procedures Act provision.

The fourth bullet, they believe that students should have the right to be fully represented during all aspects of the conduct proceeding.

And number four, students might not fully understand their rights and the overall process.

I would tell you that the other 10 members believe, number one, that with the changes we are suggesting to the student conduct process that some of the concerns bulleted here will no longer be a factor. That's why those other 10 members were not part of this dissenting view point.

And I think also, a lot of us around the table believed that the brief adjudication process is, in fact, very educational in having a student be able to articulate and convey and communicate on

their own behalf is really important. They can consult with someone during that process, but for them to be able to represent themselves is really important.

Any questions about this or Mary Jo, anything you would like [AUDIO CUT OUT]?

MARY JO GONZALES: You know, Nancy, I'm really glad that we had the two dissents in terms of people who had differing opinions about it. I think it was really important what Nancy said is that the majority of the committee felt as though [INAUDIBLE] were made in the conduct process really addressed all of the concerns that have been brought up by our alumni, by the Greek community who had concerns about how we had treated them in the past.

And so we will look at this, and we'll definitely evaluate and take a strong view and recognize that there are some concerns out there in the community that we do have to work on, continue to work on in the future.

NANCY YOULDEN: Absolutely. Absolutely. Any questions from anyone in the audience about this?

I would say too, maybe just as we're getting close to concluding, is I believe that even when we had different opinions and different voices throughout the process, I think we had a really solid process. And people were heard and validated and even when we disagreed, it was in a very civil, respectful way. And I think people felt good about the process. And I that's all we can hope for when you have a big task like this and a very diverse group of people with diverse experiences as well.

So I'll move to the last slide. Questions?

You can see on the left hand side, you can see the president.WSU.edu, and that is a link that will take you to more information. We've got some reports on there as well beyond the report that we submitted to the president.

So that is really where we are at. I'm wondering if there are any questions from anyone?

Mary Jo, anything you want to add?

MARY JO GONZALES: What I would just-- so Nancy and Olivia, as you know, you've heard that the recommendations were really reflecting almost every part of our conduct process. It wasn't just one area, it really was comprehensive evaluation and reflection on what we might want to do moving forward.

And so we will have an additional opportunity for feedback once the Administrative Review is done, and once we finalize the WAC language that will likely happen in May.

And what that is a part of the formal process of approval of Washington administrative code, which this is.

And we will also have a student handbook which will go along with this, and again, that's translating a lot of the language that is designed-- again, WAC needs very specific language. But our students have said repeatedly that they need to see this in much more-- see and read this in much more clear and comprehensive language.

And so what will happen at that point is we'll move to a handbook as well. Again, that just makes it a little bit easier for students to understand what their rights are and what their responsibilities are as being a member of the Washington State University community.

So I look forward to any feedback that you all have or any questions or concerns. You can do that here. Again, as we go forward with WAC.

NANCY YOULDEN: Great. If there is nothing else, I really appreciate people participating tonight. And there is more information online.

Again, we encourage your feedback in any kind of comments. And we've got a lot of work ahead, and thank you, Mary Jo, as well.

MARY JO GONZALES: Go Cougs!

NANCY YOULDEN: Go Cougs! Thanks, everyone. Good night.