



University Conduct Board

Training for New Board Members

Fall 2022



Training Note

This training was created for University Conduct Board (UCB) members at East Stroudsburg University in Pennsylvania.

Training materials are provided on the Student Conduct and Community Standards website to adhere to the Title IX Federal Regulations of 2020.

Questions about UCB training materials can be directed to SCCS.

Training Overview

Introduction

Office Information

Board Membership

Philosophical
Approach to Conduct

Student Code of
Conduct

Essential Information

Due Process, FERPA,
Confidentiality

Overview of Formal
Hearings

Sexual Misconduct
Cases (Faculty/Staff Only)

Skills Development

Asking Questions

Active Listening Skills

Determinations of
Responsibility

Educational
Sanctions

Let's Get to Know Each Other!

- **Introduce Yourself**
 - Name & Pronouns
 - Faculty/Staff: Title & Department on Campus
 - Students: Class Year & Major(s)/Minor(s)
 - Hobbies & Interests

Office of Student Conduct and Community Standards

■ **Who We Are:**

- Maria Zale Cutsinger --- Director
- Lauren Stemler --- Coordinator
- Lynn Heimbach --- Secretary

■ **How to Reach Us:**

- Sycamore Suites, Lower Level
- Phone: (570) 422 – 3461
- Email: sccs@esu.edu

Requirements for University Conduct Board Members

Students

- Read entire UCB Training Manual
- Attend UCB Orientation
- Attend “lunch and learn” events during the semester
- Maintain GPA, good academic standing, good disciplinary standing
- Be available for Formal Hearings

Faculty & Staff

- Read entire UCB Training Manual
- Attend UCB Orientation
- Attend “lunch and learn” events during the semester
- If serving on the Sexual Misconduct/Harassment Formal Hearings:
 - Complete additional training
 - Serve as a Process Advisor for students

Ask questions when needed!

Approach to Conduct

- **Office Mission Statement**

- To engage students in the recognition of responsibility and commitment to being a productive citizen of the communities in which they belong.

- **Office Values**

- Holistic Approach
- Education-Based --- Learning Opportunities
- Respectful
- Rights in the Process

Guiding Principles



Student Conduct vs. Criminal Law

Criminal Law	Student Conduct Process
Process is punitive in its nature	Process is designed to be educational
Most severe penalties can include the loss of liberty or life (loss of rights)	Most severe sanction is removal from the academic community (loss of privilege)
Federal rules of evidence apply to information being considered	All reasonable information is considered
Guilt must be established “beyond a reasonable doubt” (must be proven by the prosecution’s evidence)	Responsibility established by “preponderance of evidence” (meaning more likely than not)
Lawyers represent clients in the process	Lawyers (or a chosen party) can advise the students, not represent them

Language Used

Criminal Law

Student Conduct Process

Crime

Alleged Violations of Community Standards

Laws

Code of Conduct, Rules and Regulations, University Policy

Evidence

Information and Testimony

Trial

Conduct Conference or Formal Hearing

Judge

Hearing Officer or University Conduct Board

Defendant

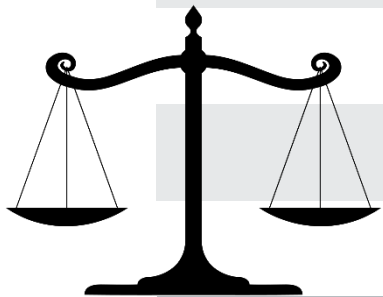
Charged Student, Respondent, Referred Student

Guilty

Responsible or Not Responsible

Verdict

Decision or Outcome



Essential Information

Due Process

- Established in Dixon v. Alabama 1961
- **Establishes:**
 - Notice of Charges
 - Right to a Hearing
 - Opportunity to Respond to Charges
- ESU has these policies guaranteed through Code of Conduct

FERPA

- Family Educational Rights and Privacy Act of 1974
- **Rights at ESU:**
 - Inspect & Review Records
 - Request Amendments for Inaccurate/Misleading Information
 - Right to Disclosure of Information
 - Right to Limit Directory Information
 - Right to Share Access to Records
 - Right to File a Complaint

Confidentiality

- FERPA → Confidentiality for the Educational Record
- Conduct Situations = Educational Record
- Member of UCB = “Agent of the University”
- **Expectations:**
 - Keep Information in Formal Hearings Confidential
 - No Discussion of Case Outside the Hearing Room
 - Contact SCCS Director if Contacted about a Case



Student Conduct Process

- Referrals
- Initial Outreach
- Conduct Conference
 - *Key terms:* Responsibility, Mutual Resolution, Sanctions
- Formal Hearing
 - *Key terms:* Advisor, Sanctions, Appeal Process
 - Additional Components for Formal Hearings with alleged Sexual Misconduct (Title IX) Policy Violations

Review flowchart in UCB Training Manual

Overview of Formal Hearings

- **Process:**
 - Review referral(s)/material(s) before the Formal Hearing to prepare
 - Review the Formal Hearing Script
 - Designated Formal Hearing Chair to Lead the Process --- Faculty or Staff Member
 - Referred Students Submit Witness List Prior to Hearing
- **Deliberations & Sanction Discussions:**
 - Decisions Can Be Made within 3 Days of Hearing
 - Can Review Prior Conduct When Assigning Educational Sanctions
- **Sections to a Formal Hearing:**
 - Opening of the Hearing & Hearing Decorum
 - Introduction of the Case
 - Explanation of Hearing Proceedings
 - Presentation of the Case (by the University)
 - Witnesses (for the University)
 - Presentation of the Case (by the Referred Student)
 - Witnesses (for the Referred Student)
 - Final Statements
 - Closing the Hearing & Adjournment

After the Formal Hearing

■ **Deliberations and Discussions:**

- Decisions Made within 3 Days of Hearing
- UCB will Make Decision; Outcome Letter issued by SCCS through Guardian Platform
- Hearing Chair Writes Rationale Statement

■ **Sanctioning:**

- UCB Writes Learning Outcomes, if Student is Found Responsible
- Can Review a Student's Conduct File When Assigning Sanctions
- Consider Scale/Options & Learning Outcomes with Sanctioning

■ **Appeal Process for Students:**

- Students can appeal the decision
- Conditions:
 - Lack of procedural due process;
 - Lack of substantial evidence to support the decision;
 - New evidence that was not previously available that could substantially change the nature of the case;
 - Severity of sanctions only if the sanction resulted in one or more of the following: loss of eligibility to live in and/or visit University-owned/operated housing, suspension, and/or expulsion.

Resources

Preponderance of Evidence

- More than 50% likely that a violation occurred and the student is responsible



Finding Responsibility

- Responsibility is founded when information is given that:
 - Constitutes a violation of the Code of Conduct (look at the definitions)
 - Corroborates the alleged behavior
 - Determines the referred student's responsibility

Active Listening Skills

Non-Verbal Cues

- Content and Context of Responses – Do These Different Forms of Communication Match?
 - Verbal Response
 - Paralanguage
 - Body-Language
- The Value of Silence in Discussion

Effective Listening

- Engaged Listening
 - Lean forward
 - Relaxed posture
 - Eye contact
- Note-Taking
- Using Questions to Gain Clarity

Why Do We Use Questions

- to determine the **facts of the case**
- to assess the **student's awareness and understanding** of the violation
- to assess the **student's acceptance of responsibility** and the sense of **respect for others' rights**
- to **teach or provoke thought** about a particular perspective or issue
- to determine what **type of sanctions** are appropriate for the violation



Types of Questions – Open-Ended Questions

Open-Ended Questions

- Places responsibility on the student to provide information
- Cannot be answered simply with a few words
- Often begin with "how", "why", "what", or "could"

Examples:

- *Could you tell us more about the state of your residence hall that night?*
- *How did you become involved in the fight?*
- *What is your understanding of the alcohol guidelines?*

Types of Questions – Closed Questions

Closed Questions

- Produces short, direct answers
- Can be helpful if open-ended questions are being avoided
- Can be answered simply
- Often begin with "is", "were" or "do"

Examples:

- *Did you attend the event?*
- *Were you drinking any alcohol that day?*
- *Did you read the Student Handbook?*
- *Is there anyone else that witnessed the incident?*

Types of Questions - Probes

Probes

- Requests to examine or further elaborate on information already discussed
- A “deep-dive” into a topic to increase understanding
- Can be a statement of a request or a direct question

Examples:

- *Help us understand how the jewelry ended up in the toilet.*
- *How were you able to get into the residence hall?*
- *Tell us more about the argument that you had with the other student.*

Considerations for Educational Sanctions

- Intent
- Consequences
- Potential Consequences
- Alcohol/Drug Involvement
- Attitude
- Conduct Record
- Individualization
- Restitution
- Developmental Needs
- Choices
- Appropriate to Circumstances and Violations
- Explaining “Why”

Possible Educational Sanctions

- Official Warning
- Disciplinary Probation
- Deferred Suspension
- Immediate Suspension
- Expulsion
- Removal from Housing
- Restitution (Repayment for University Property Damage)
- Parental Notification
- Follow Up Meeting with SCCS
- Online Alcohol Education Program
- BASICS
- Alcohol & Drug Evaluation and Assessment
- Fire Safety Video & Reflection Paper
- Marijuana 101
- CASICS
- Academic Integrity Seminar
- Ethics Workshop
- Civility Workshop
- Research and/or Reflection Paper
 - *Examples of Previous Topics: COVID-19, Residence Hall Guidelines, Ethical Decision-Making, etc.*
- Meeting with CAPS
- Anger/Emotion Management Assessment (with CAPs or an Outside Assessment)

Congratulations!

For more information on serving on the University Conduct Board please review the Training Manual.

Congratulations