

# ADELPHI UNIVERSITY

NE



## Agenda:

- The Conduct Process Training 4/01/19 13:30-14:00 (Process) 1/08/19 13:30-14:00 (Conduct)

# Connecting the dots: Similarities and differences in the student conduct and anti-discrimination processes

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Student Conduct and Community  
Standards

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# The history of student conduct

1. Responsibility of the university president
2. Responsibility of the faculty
3. Development of the Deans of Men and Deans of Women
4. Modern-day student conduct processes





# Student conduct operations in a federal/state atmosphere

1. Laws, regulations, accreditation, and policies
2. Supremacy clause
3. Federal/state tug-of-war
4. Lack of understanding by lawmakers





# What is Student Conduct and Community Standards responsible for?

1. Non-academic misconduct violations
2. Repeat offenses of academic misconduct
3. Prevention







# Questions

Thank you









# Relevant Statutes

ADA-	Americans with Disabilities Act
ADEA-	Age Discrimination in Employment Act
GINA-	Genetic Information Non-disclosure Act
PDA-	Pregnancy Discrimination Act
Title VI-	Discrimination based on race, color, national origin in programs or activities receiving Federal financial assistance
Title VII-	Discrimination in employment based on race, color, sex, religion, national origin
Title IX-	Discrimination in education based on sex > gender, gender identity, gender expression, sexual violence, sexual harassment
Veteran Status-	Vietnam Era Veterans' Readjustment Act of 1974 (VEVRAA), the Veterans' Employment Uniformed Services Employment and Reemployment Rights Act (USERRA)

## DEFINITIONS

Complainant - an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on protected class; or retaliation for engaging in a protected activity.

Complaint (formal) - a document filed/signed by a complainant or the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

Final Determination - A conclusion by the preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate University policy.

Finding - A conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged

Formal Grievance Process - means Process "A", a method of formal resolution

## DEFINITIONS

Notice - An employee, student, or third party informs the Title IX Coordinator, Responsible Employee or other Official with Authority (OWA) of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Process "A" - The Title IX Sexual Harassment Grievance Process

Process "B" - The Process for resolution of allegations of discrimination, harassment (including sexual misconduct), and/or retaliation not including Title IX sexual harassment

Respondent - an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation engaging in a protected activity.

Resolution - the result of an informal or formal grievance process.









Dating Violence- as defined by VAWA at 34 U.S.C. section 12291(a)(10), means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence- as defined by VAWA at 34 U.S.C section 12291(a)(8), includes felon





## Title VI

Title VI is part of the Civil Rights Act of 1964, which is a critical federal law that prohibits discrimination on the basis of race, color or national origin by any program or activity (including institutions of higher education) that receives federal financial assistance.

Institutions must take care to monitor their practices and policies to be sure that they do not exclude racial, ethnic or minority students, even if the intention of the policy was not to exclude minorities.



## Title VII

Title VII is part of the Civil Rights Act of 1964, which is a critical federal law that protects employees from discrimination on the basis of race, color, sex, religion and national origin.

### Context:

- Hiring
- Firing
- Compensation
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### Protected Status:

- Race
- Color
- Religion

### Conduct:

- discrimination
- harassment
- retaliation







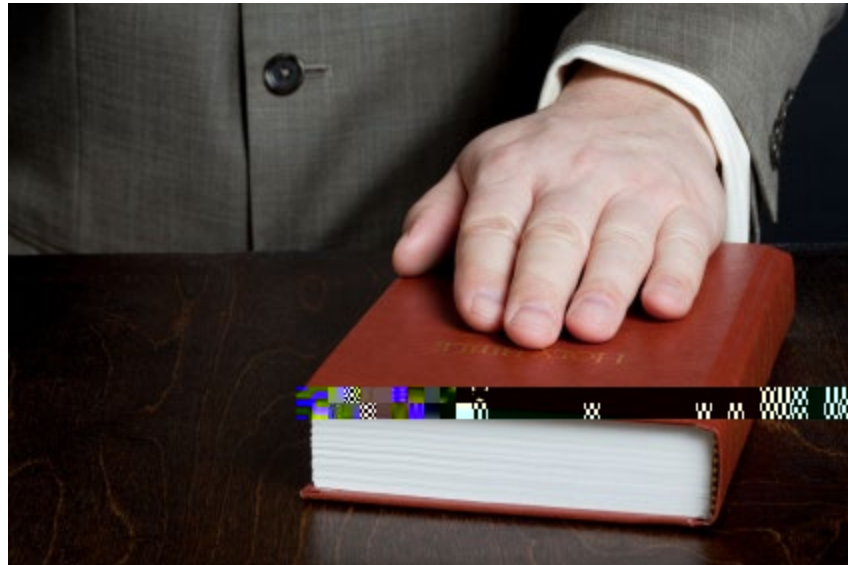








# WITNESSES





## Interviewing Witnesses/Victims/Respondents

-be mindful of the language you are using:

Examples:

complainant/ accuser  
respondent/ perpetrator

-other things to consider:

- make sure that your space is comfortable
- be aware of your own biases and set them aside/ listen without judging
- give the witness, complainant or respondent space to ask questions they may have
- check in with them frequently to ensure that they understand the process
- body language
- do not touch the person to comfort or calm them
- listen and empathize
- acknowledge their feelings even when you disagree

Treat the parties the way you want to be treated.

Help me understand....















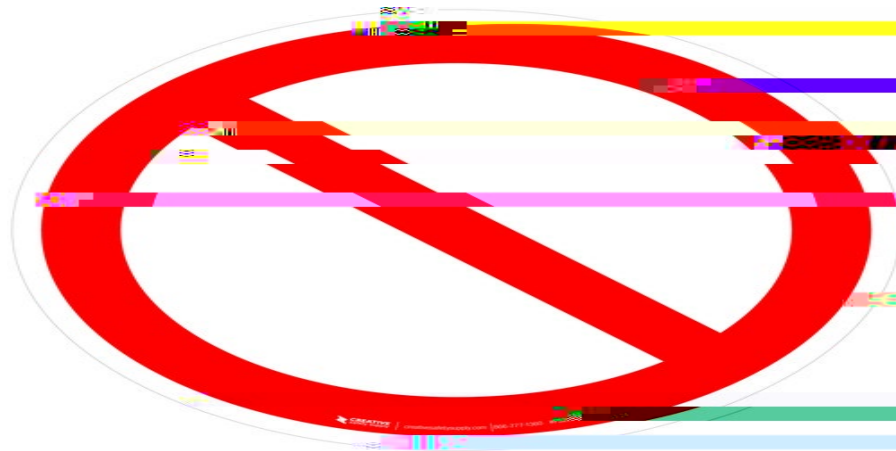


# Keep Bias Out

Studies show that people who know they have biases and admit them show less implicit bias.

Preferences and stereotypes can affect the way we interact with people.

Unconscious bias/implicit bias - beliefs that reflect attitudes and stereotypes that inform our subconscious information processing - we are not necessarily aware of these biases



Confirmation bias - the tendency to interpret new evidence or information as confirmation of one's existing beliefs or theories.

<https://www.youtube.com/watch?v=Kho5KvPBDSw>

Memory bias - factors that influence how well we remember, or don't remember, or how quickly we are able to recall certain events. TAKE NOTES

"Like Me" bias/affinity bias - investigator tends to favor information received from witnesses who are, in some respect, "like" the investigator.

More Information on biases:

<https://mediasonar.com/2019/07/24/cognitive-biases-investigations/>

Bias/Conflict of Interest Chart in Title IX Cases:

<https://online.suny.edu/scicasebook/wpcontent/uploads/Isit-BiasChart.pdf>

Investigation  
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Investigative Report  
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Hearing  
Æ



Appeal(s)



## The Hearing

Cross Examination: Advisors will question witnesses at the hearing. Parties NEVER personally ask questions. A party could decide not to submit to cross examination. A party could also decide not to ask their advisor to conduct cross examination of the other party or any witness.

We cross examine to:

- Test the credibility of parties and witnesses,
- Test the memory of parties and witnesses,
- Check biases and conflicts of parties and witnesses,
- Probe the background of parties and witnesses
- Highlight important facts, facts that corroborate







## Technology During the Hearing

-Hearings may be held virtually with technology enabling participants to see and hear each other. §106.45(b)(6)

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