

Student Conduct Committee Training

Western Oregon University



Why are we doing this training?

- To prepare you as a group to address student conduct issues
- To show that the conduct system is a single entity with several levels
- To give you the tools to do your jobs successfully

Why you, why now?

WOU- Who are we?

- Regional University- oldest public institution in Oregon – founded in 1856
- 4,929 students (including 503 grad students)
- 64.5% female; 33.5% male; 2% gender unspecified
- First generation students – make up a majority of our population
- 77% are from Oregon (All 36 Oregon counties)
- 4% are international/non-citizen alien
- Percent of students involved in discipline issues last year: 10.6%

Office of Student Conduct: Providing Resources and Being Proactive

- Code of Student Responsibility
 - [Available online](#)
- Guide to Residential Living
 - [Available online](#)
- Faculty/Staff Resources (located on website)
 - [Academic Misconduct Reporting Form](#)
 - [Dealing with Disruptive Students](#)
- Student Resources (Located on website)
 - [FAQs of Conduct Process](#)
 - [Appeal Form](#)
 - [Sexual Violence & Relationship Violence Reporting Forms](#)
- Educational Outreach Presentations
 - [Academic Integrity](#)
 - [Clubs and Organizations](#)
- Student Leadership Opportunities

Expectations

- Adhere to provisions of the Code and the Guide
- Attend scheduled trainings, meetings, hearings
- Let Barb, Maria, or Tina know if you have bias prior to a case
- Be available, within reason
- Ask questions during the hearing
- Act in the best interest of the student and WOU
- Understand the basic rights of our students
- Thoroughly review cases before the hearing
- Maintain confidentiality
- Don't make decisions without being satisfied that you have all the information possible
- Be educational

Philosophy

- Educational
 - We must be educational in our approach
- Burden of Proof
 - Preponderance of the evidence vs. “beyond a reasonable doubt”
- Double Jeopardy does not apply
 - Students can be held accountable for their actions within the campus conduct system and the criminal justice system
- Due Process
 - Obligation to provide a consistent process to each student
 - Free from any potential bias by hearing officer or committee member

Goals of the process

1. Prevent student's behavior from recurring
2. Address cause of behavior to help student develop and become a positive contributor of the community
3. Assist students in their personal development (emotional, ethical, intellectual, etc)

Some ways to achieve our educational goals:

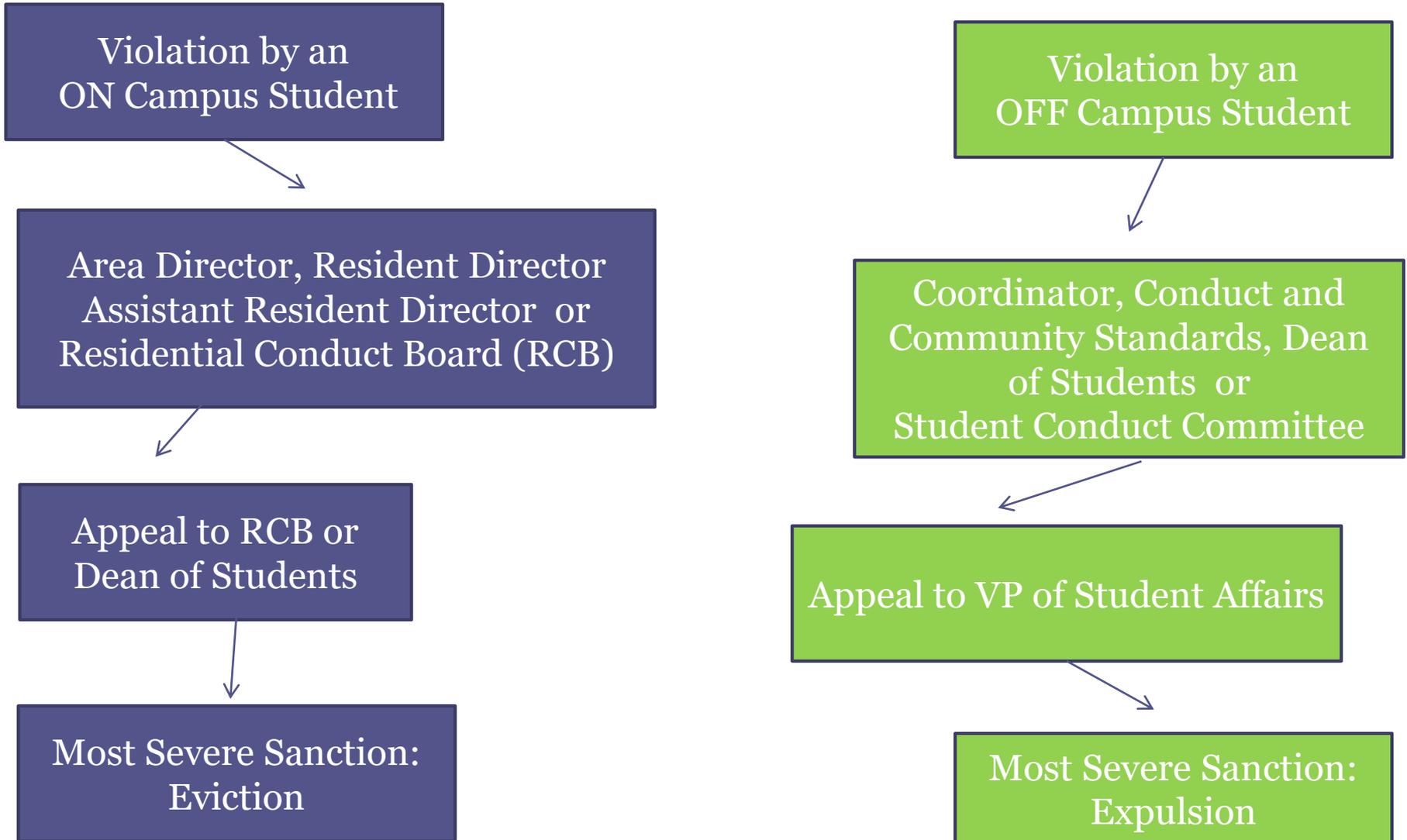
- Be respectful
- Use appropriate language
- Do the right thing for the right reasons
- Attribute the best motive
- Avoid zero-sum thinking
- Respect for the rights of the individual
- Student Oriented
- Appropriate Sanctions

Rights of a Charged Student

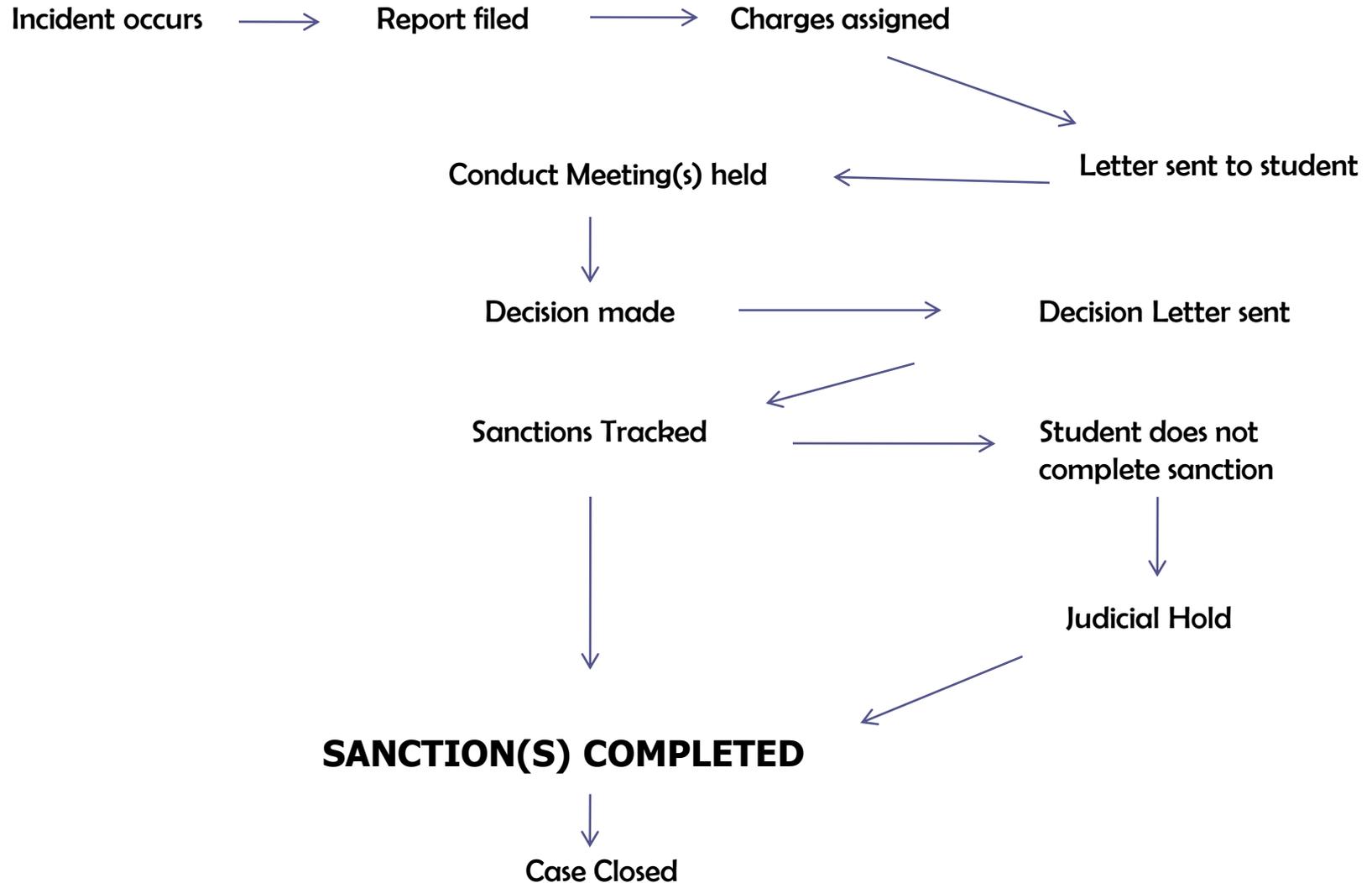
- Five working days notice of a hearing
- Knowledge of charges and accusers
- To have an advisor present
- To challenge the statements of the accusers
- To challenge the witnesses
- Advance notification of the hearing procedures
- Notification of the hearing outcome in writing within five working days

A student may waive these rights in writing. For instance, a student may wish a hearing sooner than five days and so may indicate that in a written waiver to the Dean of Students.

WOU's Conduct Process



The Life of a Conduct Case



Due Process and Fundamental Fairness

- Decisions must be based on a fundamentally fair rule or policy.
- Made in good faith (without malice, ill-will, or bias).
- Rational relationship to the evidence – not arbitrary or capricious.
- Must be reasonable and constitutionally permissible.

STANDARD OF PROOF

- Preponderance of the Evidence
- What does that mean?

"Preponderance of the evidence" means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within this Student Conduct Code.

HEARINGS

- Being called to serve on a hearing panel
- Reviewing a case
 - What if you know the person involved?
- The hearing itself
- Questions during hearings
- Deliberations

Script

- Sample script... in your packet!
- Purpose of the script
 - *Accountability*
- Facilitator role
- Student role

The Art of Asking Questions

The most important aspect of the hearing process

- Types of questions:
 - Open Ended
 - Who, What, How
- Avoid:
 - Close-ended questions
 - Multiple choice
- Silence
- Line of Questions

Deliberations

- ▶ Consider the types of evidence
- ▶ Consider the weight of evidence
- ▶ Consider credibility of all parties
- ▶ Settle on Facts – was the policy violated?
- ▶ Render a Decision

Weighing the information

All Statements and evidence is not equal in value. In fact, most, if not all, statements have some degree of bias or tend to lead the listener toward a single interpretation of a fact or situation.

- When a person says, “yes, I did it”
- When you have to weigh one person’s word against another’s
- When the student claims to have not known they were breaking a rule
- Presenting evidence requiring investigation outside of the hearing
- Multiple witnesses corroborating the same set of facts
- When a person is attempting to identify the student responsible
- When the student introduces character witnesses

Credibility Assessment

Credibility is granted to those whom:

- Engage the process honestly, without deceit
- Cooperate and are complete
- Lack motive to be anything other than credible

Credibility is not granted to those whom:

- Deceive, fabricate, and/or facilitate dishonesty or interference
- Act upon a motive to manipulate the process

Credibility Considerations

- Cultural factors
- Resolving/reconciling timelines
- Witnesses
- Demeanor
- Detail
- Corroboration
- Consistency/inconsistency
- Explanations for inconsistencies

Reminder of preponderance standard

- **How do you know if you have preponderance?**
 - Ask yourself, are you persuaded by all of the relevant EVIDENCE that a violation occurred?
 - Does the information you have received during the hearing indicate that the student's behavior **more likely than not** violated The Code of Student Responsibility.

If you answer yes... that is preponderance.

Written Rationale for Finding

Rationale for finding must include:

- ▶ Information presented during the proceeding
- ▶ Explanation for how the evidence was weighed
- ▶ How the evidence and information support the finding
- ▶ Description of how the institution's standard of evidence was applied

Example of written rationale for finding

Based on the preponderance of the evidence, and evaluating the evidence presented in the case file including statements from witnesses and review of video documentation, it is determined that the Respondent is responsible for violating the Code of Student Responsibility as outlined in the charge letter.

Examples of written rationale cont:

- Respondent self-reported charges 8bA, 8bB, 15eA. 8bC and 15eD were dropped due to lack of sufficient evidence in the reports.
- Decision was made based on the preponderance of evidence from the credible witness and lack of evidence from the respondent. Additionally, respondent testimony was discredited by video footage.

Sanctioning

- Educational vs. Disciplinary
- Consistency
- Be creative
- Be purposeful in your sanctioning
- Minimum Sanction Guidelines
 - Minimum sanction guidelines in your manual
 - Definitions

Appeals

- Every student has ONE route of appeal
- Don't take appeals personally
- Due process – student has a right to appeal

For Student Conduct Committee Decisions

- Vice President for Student Affairs
 - Reviews record of case
 - Listens to the digital recording of the hearing
 - Reviews student's appeal
 - Renders a decision

Reasons for Appeals

- Appeal must be based on one of the following:
 1. LACK OF DUE PROCESS
 2. NOT ENOUGH EVIDENCE
 3. SANCTIONS TOO SEVERE
 4. NEW EVIDENCE

Advice and Guidance

- Come prepared for the hearing
- Be respectful
- Ask questions and engage in the hearing
- Don't personalize the case or the outcome
- Communicate your needs to Student Conduct
- If you need to process a case afterward, make sure you do so appropriately



Questions?