



STUDENT CONDUCT BOARD

TRAINING

WHO'S HERE TODAY

BRIEF INTRODUCTIONS

Dr. Nicole Ferguson
Director of Compliance/Title IX Coordinator

Emily McElwain
Assistant Dean of Student Life



OSCCS

OFFICE OF
STUDENT
CONDUCT &
COMMUNITY
STANDARDS

OIE

OFFICE OF
INSTITUTIONAL
EQUITY
(& TITLE IX)

WHILE WE ARE STAND ALONE OFFICES...

Assume all we discuss today applies to BOTH processes and procedures unless specifically noted.




Statement of Ethical Standards

Members of the Student Conduct Board for CSU Pueblo understand that their purpose is to serve the campus community by working to uphold the Student Code of Conduct and campus policies with educational redirection of behavior and protecting the rights of students throughout the conduct process.



Members provide a fair conduct process by upholding the values of respect for students involved in the process, ethical behavior throughout the process, and protecting privacy to the extent required by Federal law.

OUR PHILOSOPHY ON STUDENT CONDUCT



*CONDUCT IS CONSIDERED STUDENT BEHAVIOR,
WHETHER SPECIFIC TO TITLE IX OR ALL OTHER CONDUCT.*

PURPOSE
OF THE
PROCESS
IS TO
PROVIDE:

- 1 *A FAIR AND JUST RESOLUTION PROCESS*
- 2 *DUE PROCESS FOR THE STUDENT*
- 3 *OPPORTUNITY TO REFLECT ON BEHAVIOR*
- 4 *INFORMATION FOR RESPONSIBLE
DECISION-MAKING AND CHOICES*
- 5 *A STUDENT WITH A LEARNING EXPERIENCE*

THOUGHTS ON YOUR ROLE IN STUDENT CONDUCT

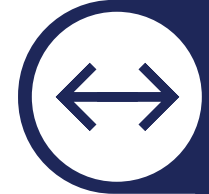
*HOLD STUDENTS
ACCOUNTABLE*



*ENSURE DIGNITY
FOR ALL INVOLVED*



*RESPECT OUR ROLES
IN THE PROCESS*



GUIDING PRINCIPLES



RESPECT FOR THE RIGHTS OF THE INDIVIDUAL



THE TEACHABLE MOMENT



STUDENT - ORIENTED



PROMPT, FAIR, AND CONSISTENT



APPROPRIATE SANCTIONS

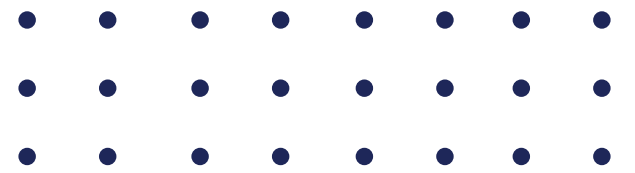


A WIN-WIN ATTITUDE



PERSONAL VALUES

ACTIVITY ONE



Difference between conduct & criminal law

The process and terminology are different between Criminal Law and Student Conduct. When serving on the SCB, focus on using language consistent with the mission of Student Conduct.

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



Criminal Law

Student Conduct Process

Crime	Alleged Violations of Community Standards
Laws	Code of Conduct, Rules and Regulations, University Policy
Evidence	Information
Trial	Conduct Meeting or Formal Meeting
Judge	University Administrator or Conduct Board
Defendant	Alleged Student, Respondent, Referred Student
Guilty	Responsible or Not Responsible
Verdict	Decision or Outcome



REMEMBER THESE



DUE PROCESS



FERPA



CONFIDENTIALITY



CONFLICT OF INTEREST



**Prepare for your role
by understanding
the Policies**

**The Student Code
of Conduct**





Policy Violation

ACTIVITY TWO

STUDENT CONDUCT BOARD PROCESS

THIS IS A SUMMARY OF THE STUDENT CONDUCT PROCESS. FOR MORE DETAILS REVIEW THE CURRENT CODE OF CONDUCT.



The Conduct Process

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GOALS OF THE STUDENT CONDUCT PROCESS



**PREVENT RECURRENT
NEGATIVE BEHAVIOR**



**ADDRESS THE ROOT
CAUSE OF THE BEHAVIOR**



**HELP THE STUDENT
LEARN AND BECOME A
POSITIVE CONTRIBUTOR
TO THE COMMUNITY**

Being a Chair

- promote a space where all considerations are made
- make a majority decision
- if you disagree , explain why and process those reasons
- find a good compromise between members
- remember, the policy/law says what a “reasonable person” would do



**AS THE CHAIR OF A
COMMITTEE, YOUR JOB IS TO
HANDLE ORGANIZATION AND
THE FLOW OF THE CASE.**



Preponderance of the Evidence

Standard of proof is known as the
“preponderance of evidence”
meaning it is more likely to have
happened than not.





When determining responsibility, board members may not consider:

- Whether or not a student knew that they were violating a policy.
- If a student makes a claim of diminished capacity due to alcohol or other drugs.

To establish that a violation of the Code has taken place, board must consider:

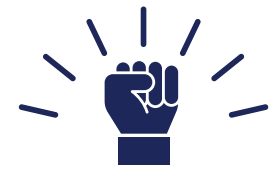
- Whether or not there is enough evidence to find a student responsible.
- The impact of the student's behavior on the community.





CREDIBILITY OF INFORMATION

INFORMATION CONSIDERED USEFUL



MOTIVATION



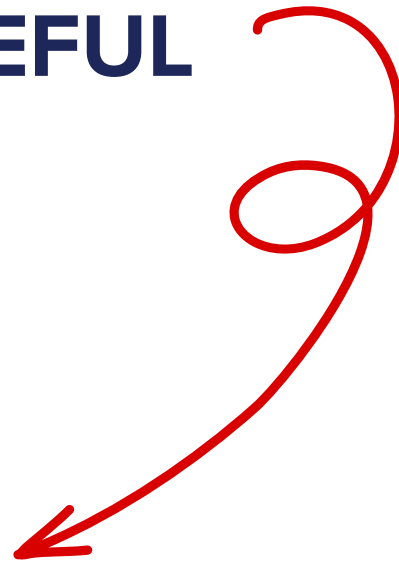
ABILITY



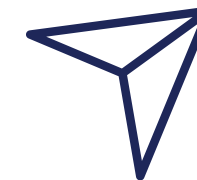
**THREATS, EXPRESSIONS, ETC. IMPLYING
OR DENOTING INTENT**



OTHER BEHAVIORS



TYPES OF INFORMATION/EVIDENCE



DIRECT



CIRCUMSTANTIAL



DOCUMENTARY



SECONDHAND/HEARSAY



Witnesses

- How relevant is the information this witness provided concerning the case?
- How much does this person know about the incident in question?
- How did this person come to know this information? Which of the witnesses had the best opportunity to observe the incident?
- In how much detail can the witness recall the incident?
- Is this witness' recollection of the details consistent with the recollections of other witnesses?
- Are there circumstances, which may call the reliability of the witness into question?
- Is there any reason why a witness may not be providing complete and accurate testimony?



PREPONDERANCE

ACTIVITY THREE

**TOP
TIPS**



**FOR
EFFECTIVE
MEETINGS**

- LISTEN
- NON-VERBAL CUES
- CLARIFICATION
- BE THOROUGH
- KEEP IT FLOWING
- SHOW RESPECT
- STAY ENGAGED
- MAINTAIN COMPOSURE
- BE PREPARED
- BE MINDFUL OF THE GREATER COMMUNITY



Using Questions & Active Listening

- **Active Listening**
- **Verbal and Nonverbal Cues**
- **Asking Questions**
- **Types of Questions**

Weighing Information & Decision Making

As a Student Conduct Board Member, it is a very important to actively participate in the deliberation for each case.

The deliberation process has two steps:

- Responsibility
- Sanctions



All information presented at a Meeting is not equivalent in value. Some may have a certain degree of bias or tend to lead the listener toward a single interpretation of a fact or situation.



HUMAN BAROMETER

ACTIVITY FOUR

EDUCATIONAL OUTCOMES

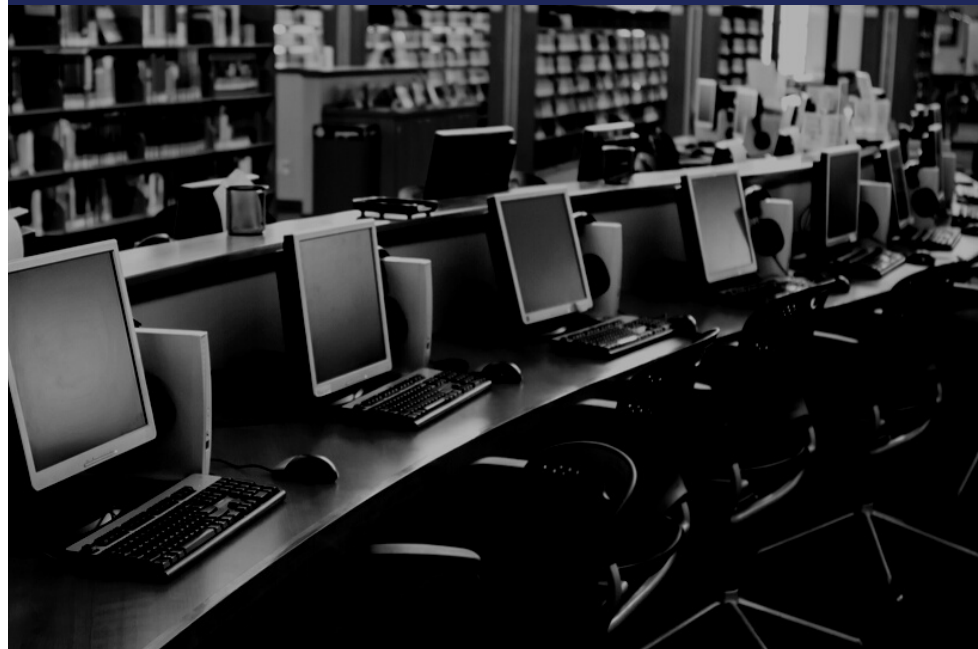
SANCTIONS

Educational sanctions are assigned to further the students' learning, thought, or reflection related to the incident



LEARNING

The maximum benefit for both the individual and the community will be obtained



COMMON SANCTIONS

While each situation and each student may be different, there are a number of sanctions commonly used to help students learn at CSU Pueblo



CASE STUDY & MOCK HEARING



What is covered by the Title IX, Sexual Harassment, and Gender Discrimination Policy?

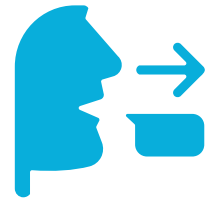


Sexual harassment and misconduct are reportable offenses under Title IX and includes all forms of harassment and violence that are sexual in nature.

This includes (but is not limited to) sex- and gender-based discrimination, sexual assault, sexual harassment, sexual exploitation, stalking, dating violence, and domestic violence.



SOME DEFINITIONS



COMPLAINANT



RESPONDENT



CONSENT



**EDUCATIONAL
PROGRAM OR
ACTIVITY**



**DELIBERATE
INDIFFERENCE**



JURISDICTION



EDUCATIONAL ACTIVITY OR PROGRAM/JURISDICTION

Which of these might be considered an educational program or activity within our jurisdiction?

A hotel at an away
basketball game

A group project at
Starbucks downtown

A party at Wolf Village

A science lab in the Chemistry building

A social gathering at Thunderzone

Students discussing a class in a
car parked in the OSC parking lot

A class at Todos Santos

A Greek organized event



DISMISSAL

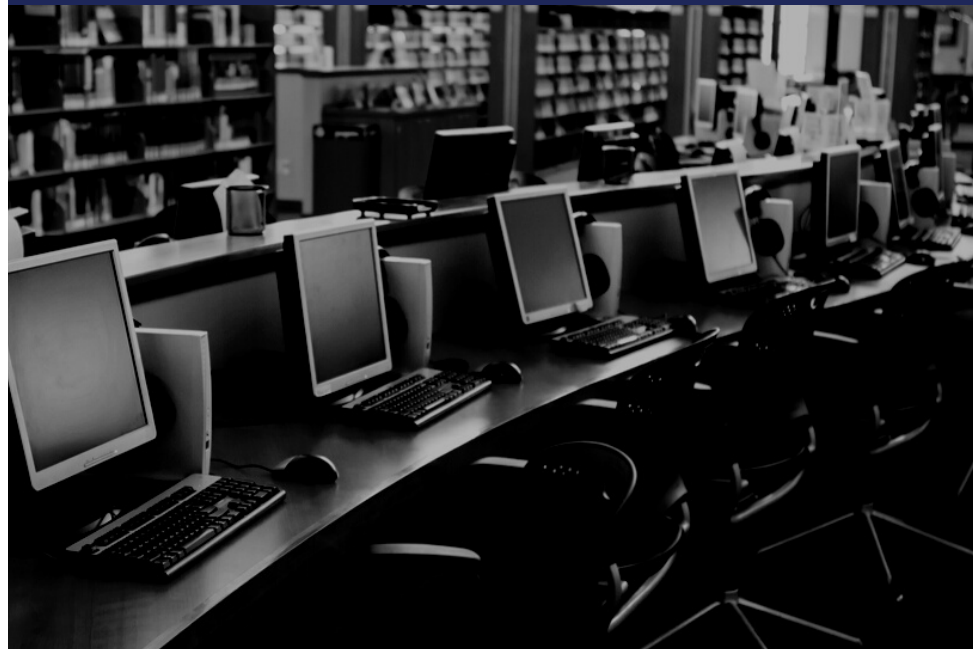
WILL DISMISS

If conduct alleged would not constitute Sexual Harassment; or it did not occur within the jurisdiction of the policy.



MAY DISMISS

If Complainant withdraws the Formal Complaint; Respondent no longer member of CSU Pueblo; or other specific circumstances.



DISMISSAL DOES NOT PRECLUDE CSU PUEBLO FROM CONDUCTING AN INVESTIGATION UNDER OTHER APPLICABLE POLICIES.



TITLE IX PROCESS

THIS IS A SUMMARY OF THE TITLE IX PROCESS. FOR MORE DETAILED INFORMATION, PLEASE SEE THE POLICY ON TITLE IX, SEXUAL HARASSMENT AND GENDER DISCRIMINATION AND ITS PROCEDURES.



The Title IX Process

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All actions must be simultaneous!





KEEP IN MIND

- **Was there consent between the complainant and the respondent?**
- **Was the complainant incapacitated to the degree of being unable to give consent?**
- **Focus on the alleged policy violation not whether the complainant was irresponsible.**
- **Focus on information gathered at the meeting not on what you do not know.**
- **Is there enough evidence to determine a decision of responsible?**
- **The standard of proof is still based on preponderance of the evidence.**
- **Check your own biases & recuse yourself if necessary.**
- **There are possible neurobiological reasons for gaps in memory & other responses to trauma.**



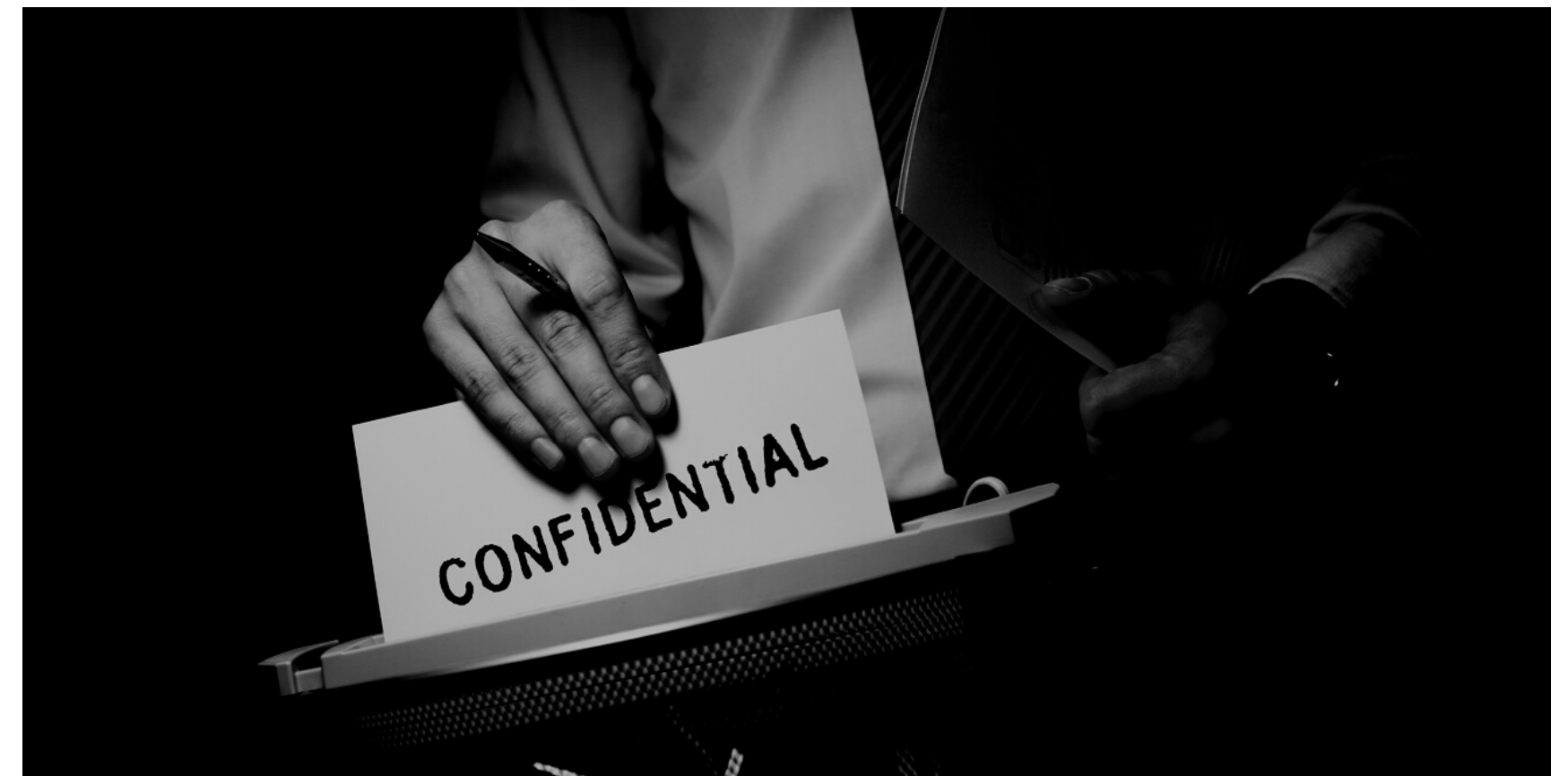
Confidential

- Wolfpack Wellness Center
- Pueblo Rape Crisis Center
- ACOVA



Non-Confidential Resources

- Student Conduct and Community Standards
- OIE and Title IX Coordinator
- Residence Life & Housing
- Disability Resource & Support Center
- Human Resources
- Pueblo County Sheriff's Office
- Parkview Medical Center



KNOW

THE

RULES

TITLE IX SPECIFIC ITEMS

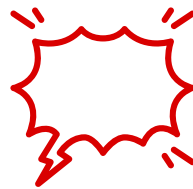


RULES OF DECORUM



RULES APPLY TO...

The Complainant, the Complainant's Advisor, the Respondent, the Respondent's Advisor, and witnesses for the case at hand.



RESPECTFUL AND NON-ABUSIVE CONDUCT

All participants, including Parties and Advisors, are to conduct themselves respectfully and non-abusively during the Hearing. Hearing Officer may require the Party to select a different Advisor, if Advisor does not comply.



CONFERRING

A Party and their Advisor may confer during the hearing, so long as they do not disrupt the hearing.



BREAKS

Breaks can be requested by either Party, or their Advisor. The Hearing Officer, may grant or deny the request. The Hearing Officer, may call a break. Breaks can be up to 15 minutes, unless there are extenuating circumstances.



QUESTIONS

Do NOT ask:

- Questions about past sexual history
- Questions about the number of sexual partners
- Questions that could be considered "victim blaming", what were you wearing?
- Questions that are not trauma centered, what did you do to make them think you were interested?

Do ask:

- Questions about the relationship between the parties in the hearing
- Questions about consensual acts that may have occurred
- Questions that are trauma centered, try to remember how you got there if you can, were there any smells or sounds you remember?

LIVE HEARING PROCESS



CASE STUDY & MOCK HEARING



APPEALS

Students may appeal decisions from Conduct or Title IX.

For Conduct, students may only appeal if they are the Respondent.

For Title IX, either party may appeal.



CONDUCT APPEALS



**PROCEDURAL
ERROR**



**INSUFFICIENT
ESTABLISHMENT OF
PREPONDERANCE**



**SUBSTANTIALLY
DISPROPORTIONATE
SANCTIONS**



**NEW AND SIGNIFICANT
INFORMATION IS
AVAILABLE**

TITLE IX APPEALS



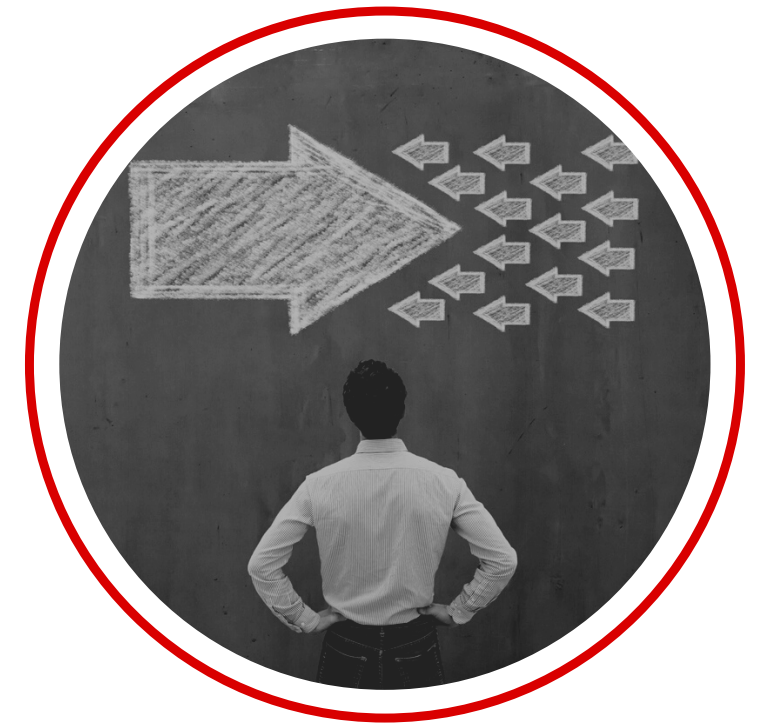
**PROCEDURAL
ERROR**



**NEW AND SIGNIFICANT
INFORMATION IS
AVAILABLE**



**SUBSTANTIALLY
DISPROPORTIONATE
SANCTIONS**



**A CONFLICT OF
INTEREST AROSE**



CONSIDERATIONS FOR AN APPEAL

- **Consider only the pieces the party selected for you to review.**
- **Review the policy and procedures to ensure accuracy.**
- **Address all claims in the appeal.**
- **Ensure there was no bias or conflict.**
- **The next step after an appeal is often litigation.**
- **Be consistent.**
- **It is okay to agree with an appeal. You are not judging us, you are judging the process.**
- **If you experience a conflict, let us know ASAP so we can replace your position on the committee.**



CASE STUDY