



TOPIC: Representation at Student Conduct Hearings

COMMITTEE: Education Policy and Student Life

DATE OF COMMITTEE MEETING: January 13, 2015

SUMMARY: The issue of representation at student conduct hearings is under discussion in many contexts. Recently, questions have been raised about the role(s) of attorneys in conduct hearings, as well as whether students should be included in the adjudication process in sexual misconduct cases. As our universities are institutions of learning, student conduct processes are conducted as developmental rather than purely legal processes, and attorneys present are considered as advisors (as any other individual named by a complainant or respondent is treated). These individuals may be present with the parties, but do not represent them. On the topic of student inclusion in hearing boards, the Office of Civil Rights guidance states, "Although Title IX does not dictate the membership of a hearing board, OCR discourages schools from allowing students to serve on hearing boards in cases involving allegations of sexual violence." The campuses of the USM have varying language on the membership of hearing boards. All campuses appropriately have the Title IX Coordinator as the responsible leader of the process in cases of purported sexual misconduct. The USM Student Council has recently engaged in very thoughtful discussions on this topic, and the Council passed the attached resolution. As we continue in the development of our policies and processes regarding the best way to handle all of these issues, the engagement of all perspectives in these discussions is encouraged.

To garner the important perspective of members of the Education Policy and Student Life Committee of the Board of Regents, Dr. Joann Boughman, Senior Vice Chancellor for Academic Affairs will provide an update on our institutional policies, and USM Student Council President Zachary McGee will share more regarding the USMSC's resolution.

ALTERNATIVE(S): This is an information item.

FISCAL IMPACT: This is an information item.

CHANCELLOR'S RECOMMENDATION: This is an information item.

COMMITTEE RECOMMENDATION: Information Only

DATE: January 13, 2015

BOARD ACTION:

DATE:

SUBMITTED BY: Joann Boughman

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FOR IMMEDIATE RELEASE

Resolution No. 4: Supporting student inclusion in adjudication procedure after appropriate Title IX training was adopted by the council with a vote of 13-2 on December 30, 2014.

This resolution opposes a recent recommendation from the Office of Civil Rights (OCR) to not include students as adjudicators in campus conduct hearings related to Title IX.

“The action taken by the council today embodies our mission as student advocates. It demonstrates our understanding of the value students can and will bring to student conduct proceedings as peers,” said University System of Maryland Student Council (USMSC) President Zachary McGee in making the announcement.

The council’s proposal calls for students who receive an extensive comprehensive training on Title IX procedures, in addition to direction prior to individual hearings, to be allowed to participate in the adjudication process for their peers.

The USMSC believes, contrary to the OCR’s findings, that prohibiting student participation on conduct boards is discriminatory towards students and does a disservice to the undergraduate and graduate populations. The council also believes that with proper training, students can be instrumental serving as fair and unbiased adjudicators.

For further comments, please contact Zachary McGee at zmcgee11@gmail.com



RESOLUTION NO. 4: Supporting student inclusion in adjudication procedures, after appropriate Title IX training.

PROPOSED BY: Zachary McGee, USM Student Council President & Sydney Comitz, University of Baltimore

DATE: Friday, December 19th, 2014

WHEREAS, The Office for Civil Rights (OCR) recommends that students not be permitted to serve as adjudicators in campus conduct hearings related to Title IX to ensure well-trained and unbiased participation; however,

WHEREAS, the OCR's recommendation inadvertently perpetuates discrimination against students on the basis of our status as students alone; and,

WHEREAS, the student council believes students provide valuable perspective as peers, that faculty and staff cannot also provide; and,

WHEREAS, it would be consistent to permit students to contribute to hearing boards within the USM structure of shared governance; and,

WHEREAS, at many institutions across the nation, student volunteers receive extensive training at the beginning of the academic year, and additional direction prior to each hearing—the same amount of training provided to faculty and staff volunteers; and,

WHEREAS, Title IX training combined with hearing materials being made available to board volunteers well in-advance of the hearing date would enable volunteers to review identities of hearing participants, and avoid cases where plaintiffs/defendants/witnesses are familiar to the board member; and,

WHEREAS, citizens over the age of 18 who serve as jurors on criminal and civil cases receive significantly less training than members of university conduct boards; therefore let it be

RESOLVED THAT STUDENTS SHOULD BE TRAINED AND INCLUDED IN STUDENT CONDUCT HEARINGS AT ALL INSTITUTIONS, PROPORTIONATE TO THEIR RESOURCES, TO ENSURE INTEGRITY, FAIRNESS, RESPECT FOR ALL PARTIES INVOLVED.

Council Action: PASSED

Date: 12/30/14

President: ZACHARY MCGEE