

# Student Affairs Today

Best Practices and Strategies for Student Affairs Professionals

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## Risk Management

### Increase student, campus safety by properly assessing social media threats

*By Halley Sutton*

PHOENIX — Your most effective tool for monitoring the behavior and potential threats from students or toward students on campus comes not from your on-campus cameras but from the social media traffic generated by your students. According to a report by Common Sense Media, students visit social media sites on average 100 times per day. With the amount of traffic generated by those sites, your institution can't possibly catch all potential threats or incriminating posts.

At the International Association of Campus Law Enforcement Administrators annual conference, Gary Margolis, president and CEO of Social Sentinel; and Sonny Provetto, consultant for the Law Enforcement Institute and the Vermont State Police, gave details on the importance of assessing social media threats and the difference between monitoring and assessing threats.

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## Liability

### Review up-to-date guidance for managing student travel risks in the BRICs

*By Jim Hutton*

At the turn of the millennium, the BRIC countries — composed of Brazil, Russia, India, and China — started to gain increasing recognition as emerging major players in the global economy. As business boomed, these countries captured both international travelers' and students' interests. Colleges and universities began recognizing the BRICs as key destinations for their students to gain business insights and cultural acuity.

While the BRIC countries' economic futures seem less promising now than years ago, they still remain an attractive study-abroad destination. However, student affairs professionals should develop awareness of the risks in each country and the preventive measures that can help protect students and reduce institutional risk.

**Continued on page 5.**

## Florida college to 'deputize' faculty, staff

The Polk County Sheriff's Office in Central Florida plans to provide Southeastern University staff and faculty with training in law enforcement tactics and firearms. After 132 hours of training, the sheriff's office will consider them "special deputies" allowed to carry concealed firearms on campus with the sole purpose of responding to threats on campus, such as stopping an active shooter.

The faculty and staff will undergo background checks, drug tests, and psychological evaluations. It's the first program of its kind in the nation, reports the *Sun-Sentinel*. ■

## Student loan debt increases, report shows

College graduate loan debt is up 4 percent from 2014, according to a report released by The Institute for College Access and Success. The report found that students owed an average of \$28,950 when graduating in 2014. For those students who graduated in 2015, that

amount had increased to \$30,100.

The report also broke down the differences in loan amounts per state.

Read the report at [http://ticas.org/sites/default/files/pub\\_files/classof2015.pdf](http://ticas.org/sites/default/files/pub_files/classof2015.pdf). ■

## Grad students worry about money

Nearly 40 percent of master's degree students and 36 percent of doctoral students worry about covering monthly expenses, according

to a research study from the Council of Graduate Studies and TIAA.

On top of that, 60 percent of master's degree students and 55 percent of doctoral students reported feeling significant stress about finances, and most lack formal financial education. Those percentages rose to more than 70 percent of students experiencing financial stress for students who had taken out loans to finance graduate school.

The report is available at [www.studentfinancialsuccess.org/public/ms/sfs/index.html](http://www.studentfinancialsuccess.org/public/ms/sfs/index.html). ■

## ASSESSMENT ADVICE

### Develop system for tracking assessment progress

**Q** After we determine measurements for our assessment initiatives, how should we track progress?

**A** Designate one person (i.e., director of assessment, assistant vice president) to monitor progress. The monitor asks colleagues about the status of various initiatives and marks each task as not started, in progress, ongoing, or complete. The next round of data indicators should be reconnected to completed initiatives to "close the assessment loop."

Adapted from an article in *Assessment Update*, published by Jossey-Bass, A Wiley Brand. For more information, go to <http://josseybass.com/highereducation>.

Assessment Advice is a monthly Q&A column that offers tips to help you evaluate your programs and services. Do you have a question and/or answer to submit? Email the editor at [cmccarthy@wiley.com](mailto:cmccarthy@wiley.com). ■

### Higher Education Publications from Jossey-Bass, A Wiley Brand

- Assessment Update
- Campus Legal Advisor
- Campus Security Report
- College Athletics and the Law
- Dean & Provost
- Disability Compliance for Higher Education
- Enrollment Management Report
- FERPA Bulletin for Higher Education Professionals
- Recruiting & Retaining Adult Learners
- Student Affairs Today
- The Department Chair
- The National Teaching and Learning Forum
- The Successful Registrar
- Women in Higher Education

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## Continued from page 1

They also gave examples of keywords and behaviors to most closely look for when determining potential threats to your campus.

### Social media posts can incite harm and action

“What if you could predict and intercept potential threats on your campus?” Margolis said. With 70 percent of Americans who are online using different forms of social media, understanding where to focus your attention to most effectively intercept those potential threats is key. Based on research conducted via Social Sentinel, Margolis determined that students aged 18 to 25 are most likely to be posting on Twitter and Instagram, with a significant increase in live streaming content on platforms like Facebook and Periscope. “Every day, there are 900 million to one billion posts on these two channels [from college students],” Margolis said. “Your average team cannot efficiently identify and address all of the issues [within those posts].”

Public posts often incite others to action, Margolis said. He referred to gang activity that led to the shooting of several people after a popular rapper was shot. The second shooting was incited by negative sentiments shared at a protest of the rapper’s shooting, which in turn led to 24 hours of taunting on social media, eventually culminating in a shooting across the street from a high school. Indeed, according to a recent study by Jennifer Johnston and Andrew Joy of Western New Mexico University, social media activity has a direct impact on the likelihood of a copycat event in the wake of a mass shooting.

“Folks who want to do bad things will broadcast them,” Margolis said. “We have a duty of care to be looking for these posts.”

### Language of harm provides an early warning

Provetto, who worked as a police officer in Vermont and now works as a licensed therapist specializing in critical incident stress and trauma, worked with a number of traumatized police officers and laypeople and developed a system for recognizing the language of those most at risk for self-harm or for harming others.

“The key factor [in mass shootings] is that the shooters were traumatized [from some previous event or emotion],” Provetto said. Provetto cited statistics that showed that in cases of gun violence, 81 percent of shooters talked about their intentions, and in 93 percent of cases, friends, peers, or siblings knew about the attack ahead of time. Provetto also noted

that in the recent Orlando mass shooting, the shooter posted on Facebook prior to and during the attack.

When looking for who might be a potential safety threat, Provetto said, it’s key to look for certain language — traumatized individuals want to talk about

it or may even already be talking about it. “These are people with distorted thinking and the real power there comes from language that articulates that thinking and creates a reality [for the traumatized person],” Provetto said.

He emphasized that looking for language that signals intent to harm self or others, or even expressing intense negative emotions on social media posts, can be the key to catching a potentially harmful student. These words are often spurred by a “breaking point” such as:

- Change in academic performance (reported by 56 percent of troubled students).
- Change in friendship patterns (73 percent).
- Loss of interest in school (59 percent).
- School discipline problems (68 percent).
- Felt bullied, attacked, or threatened, or was injured (75 percent).

Many of these events might be referenced in social media posts. ■

### About the author

Halley Sutton is assistant editor of *Campus Security Report*, also published by Jossey-Bass, A Wiley Brand. For more information on that publication, please go to [www.wileyonlinelibrary.com/journal/casr](http://www.wileyonlinelibrary.com/journal/casr). ■

### Watch out for common warning signs

To boost your risk management approach, it can help to know what to watch for before a crisis happens. Gary Margolis’ company, Social Sentinel, provides a social media monitoring platform that can be used to look for images and certain key phrases that might alert you to potentially troubled students. Key terms and phrases to look for include:

- Images or ideation of self-harm.
- Suicidal ideation.
- Posts about depression or feelings of despair.
- Images of weapons.
- Posts about breakups or fights with significant others or friends.
- Posts involving drug or alcohol use or abuse.
- Descriptions of significant losses, whether through the passing of someone close or even perceived loss of status.
- Feelings of personal failure.
- Comments on posts that might use bullying or threatening language.

Examining language is the first step to identifying potentially harmful behaviors, stressed Margolis and Sonny Provetto, consultant for the Law Enforcement Institute and the Vermont State Police. “If we believe what we’re thinking, we will do it,” Provetto said. ■

## Make your campus welcoming, supportive for student-veterans, affiliates

By Joan Hope, Ph.D.

INDIANAPOLIS — Student-veterans and active-duty members of the military and affiliates, such as children using a parent's benefits, can be a strong source of enrollment.

But each of these groups of students presents unique needs and challenges, said Joanna Boval, director of the Office for Students with Disabilities at the University of California, San Diego. She spoke at the Association on Higher Education And Disability annual meeting.

To make the UCSD campus friendly and welcoming to these groups, Boval said officials pursued several initiatives, including:

➤ **Creating a military pathway program for recruitment.** Prospective students are invited to a one-day overview of campus. Invitations go out to students at community colleges in the area. The prospects meet for breakfast, take a tour, and visit the Student Veterans Resource Center. At the end of the day, they can sit down with a counselor and complete an application. In about six hours, they have become familiar with the institution and applied, Boval said.

➤ **Providing an orientation session for veterans and affiliates.** The session addresses needs related to military status, and officials answer questions about military-related concerns.

➤ **Engaging faculty to connect with student-veterans.** Faculty members don't typically disclose they're veterans in campuswide surveys, but officials identified them through conversations, Boval said. It helps student-veterans to know that some faculty members are veterans, too. "Cultivating those relationships is key to working with veterans and military students," she said. Boval and a colleague identified about half a dozen faculty members who are veterans and took them to lunch. They asked the faculty members about their colleagues' attitudes and about what the staff could do better to support student-veterans. They received good feedback and started building a network of allies, Boval said. Sometimes, faculty members don't receive messages when they come from staff, she said. Having faculty members advocate among one another proves more effective, she said.

### Create a veteran center

The Student Veterans Resource Center was launched about three years ago, Boval said. Part of the challenge of launching it was getting the administration to see the value of it. The center's founder,

James Bond, was instrumental in getting the project to happen, she said.

The center was designed to be expansive and welcoming. Affiliates and allies like Boval participate. For example, Boval goes there to meet students.

Most student-veterans don't want to go to an office that's called "Disability Support Services," Boval said. She arranged a pilot program to have a staff member at the SVRC three hours a week. A disability specialist who is an Air Force veteran spent an hour each Monday, Wednesday, and Friday at the SVRC. She wore her disability services polo shirt and name tag, so students knew she wasn't on the SVRC staff. She introduced herself to students and got to know them. She would tell them, "This might not pertain to you" and encouraged them to refer buddies who might need help.

With the staff member located at the SVRC, students could ask for help without making an appointment, and they could go through the whole process of arranging accommodations in that space. That was especially valuable at the beginning of the quarter, when appointments fill up for two weeks, Boval said.

Some students who found out about disability services at the SVRC had no idea they were eligible for accommodations, Boval said. But they were more eager to come forward in their own space, and now they are some of disability services' greatest advocates. They tell their friends about the positive experiences they had, Boval said.

The relationship between the SVRC and Disability Support Services was so successful that the SVRC director expanded the center's relationships to include career services, the veteran certifying officer, financial aid, and others. "A veteran or affiliate can come into that space and hit half a dozen offices," Boval said.

On a typical day, 50 students might stop by the SVRC to participate in study groups, tutor one another, play pool, watch TV, or use the fully functioning kitchen. "It's a home away from home, a smaller community that feels more comfortable," Boval said. ■

### About the author

Joan Hope, Ph.D., is editor of *Disability Compliance for Higher Education*, also published by Jossey-Bass, A Wiley Brand. For more information on that publication, please go to [www.wileyonlinelibrary.com/journal/dhe](http://www.wileyonlinelibrary.com/journal/dhe). ■

**Continued from page 1****Brazil**

Travelers are drawn to Brazil for its expanse of rainforest, stunning beaches, and lively culture. However, travel to this country may be hampered by its substantial social, economic, and political turmoil. The economy has significantly slowed, corruption is endemic, the president was impeached, and crime is widespread. Protests, demonstrations, and strikes have become common occurrences, and students should avoid these types of gatherings because they can quickly escalate to dangerous levels.

Students are particularly vulnerable to “express kidnapping,” which involves abducting victims for a short time to drive them around to various ATMs to withdraw money. Gang-related violence in popular cities, such as Rio de Janeiro, is another major risk to travelers, so it’s important for foreign students to avoid areas of high crime and to travel in groups. Overall, Brazil is likely to see a decrease in study-abroad travelers.

**Russia**

Russia is also likely to see a decrease in international students due to the country’s safety and security concerns. Violent crime rates are rising in Moscow and other major cities, where pickpocketing, muggings, and other petty crimes are also common.

Be particularly alert to the impact of rising cyber tensions between the United States and Russia. Students must become well-versed in basic cybersecurity tactics to help protect their vulnerable digital information.

**India**

Female travelers face unique safety risks in many countries. But they face some of the most significant risks in India. High-profile sexual assault cases have raised awareness, but the risk still remains. To improve their safety, students should travel in groups or pairs.

When traveling to countries bordering areas of terrorist involvement or violent clashes, such as the Kashmir territory, travelers must have hyper-awareness of the persistently high threat of terrorism. Road, rail, and public-transit safety pose the greatest risk, especially with the recent derailing of a train in Uttar Pradesh state that left hundreds injured or dead. Provide students with prearranged transportation when possible, and advise students about the safety of other modes of transportation.

**China**

Of all the BRIC countries, China will likely draw the largest group of traveling students in the coming months due to continued growth of the country’s economic and geopolitical clout. However, China’s sustained growth comes with significant costs to the environment. Air pollution frequently rises to dangerous levels in urban and industrialized areas, which can cause serious health risks, especially for people with respiratory issues. Students with pre-existing conditions should consult with health care providers to find out how air pollution could impact their health and plan accordingly. Also check for overseas health insurance coverage.

**About the author**

Jim Hutton is chief security officer for On Call International, a travel risk management company, and has more than 30 years of security industry expertise. Go to [www.oncallinternational.com](http://www.oncallinternational.com). ■

**Take steps to protect students**

Before sending students on a trip abroad, student affairs professionals must have in-depth knowledge about that country.

The underpinnings of any successful study-abroad program are based on research and proper risk assessment. This means students and student affairs professionals both take informed risks and that colleges and universities manage those risks accordingly.

To build a strong study-abroad risk management program, follow these tips:

➤ **Ensure you have current, credible, and specific travel information:**

❑ Don’t be lulled into a false sense of security just because students have traveled to the BRICs in the past without incident.

❑ Establish relationships with key contacts to ensure you have high-quality and up-to-date research and best practices for that area.

➤ **Provide trainings and briefings for students before they travel abroad:**

❑ Educate them about their destination, the environment (political/environmental/social/economic) they’re going into, their role in keeping themselves safe, and how to react to an incident or crisis.

❑ Provide students with emergency contact information. Encourage them to enroll in the government’s Smart Traveler Enrollment Program.

Student affairs professionals have a moral and legal responsibility to arm their students with knowledge to succeed in the world, and it’s no different when it comes to preparing them for study-abroad programs. The more student affairs professionals educate students about their study-abroad destinations, the less likely they’ll make risky mistakes. Likewise, if colleges and universities establish robust travel risk management plans, they’ll be better prepared to field the curveballs these popular destinations might throw their way. ■

## Competitive disability sports league could boost student success

By Goldie Adele, M.S., J.D.

The benefits of competitive sports to retention and student success have been extensively studied at both the K–12 and postsecondary levels, and the results show that it works. Students who participate in sports perform better academically and socially, feel connected to their school, and build self-confidence.

These benefits also apply to students with disabilities. In fact, students with disabilities may benefit more from participation in competitive sports than other students due to additional challenges created by their disabilities. We have seen how transformational competitive sports can be in the Special Olympics and Paralympic Games. Over the past years, there has been an increased awareness by parents and teachers about identifying students in K–12 with disabilities and providing them with competitive sport options. That led to an increasing number of first-year college students with disabilities seeking competitive sport opportunities — not intramural sport options.

The Department of Justice and the Office for Civil Rights have reminded schools, both K–12 and postsecondary schools, of their obligation to provide comparable and competitive sport options for student-athletes with disabilities. At the same time, colleges and universities seek creative ways to retain students and see them graduate in four years. These schools also seek ways to give all students a sense of belonging on their campuses, which helps with retention. A league for students with disabilities could mutually benefit both sides.

Some student-athletes with disabilities already participate on National Collegiate Athletic Association teams, but a league specifically for students with disabilities would be designed for students who can't participate in the NCAA. Specifically, the league would be open to students with physical and related disabilities. Some competitive and semicompetitive opportunities already exist for student-athletes with disabilities. For example, the University of Illinois and the University of Alabama have competitive sports options for student-athletes with disabilities, and both schools have garnered national attention. Other universities offer similar competitive opportunities, though on an intramural level. In addition, some universities have established centers for adaptive sports focused

on promoting competitive adaptive sport options for students with disabilities, as sponsors and advocates.

Student affairs professionals have the responsibility to advocate for ideas that we know advance both the academic and nonacademic success of our students. The research results are available, and we can clearly see the benefits of a competitive league. We meet with incoming students each semester who played competitive sports in high school and who express interest in participating again in college. These first-year students tell stories of how being on a competitive team helped them succeed on various levels in high school.

Our advocacy for students with disabilities isn't limited to academic and program access but expands to competitive sports and other out-of-the-box opportunities that help our students succeed in college. This is a big and bold idea, and we have to be ready to be big and bold if that's what it takes.

I suggest the following steps to start a campus conversation about this topic:

- ❑ Conduct a student survey to gauge interest. Find out how many students are interested in which sports. Ask for feedback on individual and team sport options. Focus on sports that you have the facilities to host, to substantially reduce short- and long-term costs.
- ❑ Look at current intramural sport options. That will help you determine what sports are popular on campus and what facilities are available.
- ❑ Study the nature and composition of your school's sport program through your athletics department. Establish partnerships with staff in your athletics department and/or recreation and leisure program.
- ❑ Gather national data and articles on the issue so you can back your idea with good data and research.
- ❑ Opt for a regional conference-based league because it's easier to run than a national league.
- ❑ Propose sources of initial funding and a long-term financial plan.
- ❑ Seek local partners that can help advocate with you on the benefits of this program. Consider partnering with nonprofit organizations and state agencies.
- ❑ Gather and build a coalition of colleagues and their relevant campus partners at conference schools. The objective is to seek support from each school and then from the regional conference body. ■

### About the author

Goldie Adele, M.S., J.D., is director of the Disability Resource Center at Southern Connecticut State University. He can be reached by email at Adeleg1@southernct.edu. ■

## Build a better team by engaging creative strengths of staff members

By Halley Sutton

As a student affairs professional, you often work on projects with teams.

But without the proper understanding of the different creative styles of other staff members on your team, you can't tap the full potential of your team or manage the complicated dynamics that come from many different types of creative styles.

In a session led by June Hanley during the annual convention for the Society for College and University Planning, participants were led through an exercise based on *The Five Faces of Genius* by Annette Moser-Wellman and given instructions on how to create a well-rounded team that takes advantage of different creative styles.

Hanley outlined the following five types of creativity:

**1 Seer:** These visualizers are given to manipulating images for great ideas. Skills of the seer include paying attention to images. Seers often study the world around them and see everything to find an idea worthy of pursuit. "Practice closing your eyes at work," Hanley advised seers. "Visualize the problem or issue that you're trying to solve." Seers benefit the team by visualizing the future and being able to test for all possible outcomes.

- Questions that stimulate a seer: "What is the successful picture at the end?" "What steps do we take to get there?" "What is in the way, and how do I deal with it?"

- Potential pitfalls include the need for outside perspective — with only the seer, your team can face an imbalance.

**2 Observer:** Strengths include a powerful focus on detail. Observers often pull ideas from the details they see daily and are known for noticing the world around them. They're often most beneficial to a team because of their ability to conceptualize thinking rooted in real issues.

- Questions that stimulate an observer: "What data do I need to move forward?" "How or from whom do I get it?" "What (themes, conclusions) does it tell me?"

- Potential pitfalls include potentially drawing the wrong inferences from observed details.

**3 Alchemist:** Strengths of the alchemist include the ability to connect different domains. Alchemists seek connections across the board and often generate ideas very quickly. They connect ideas to create new ones. They're often most beneficial on a team by bringing insights through analogies.

- Questions that stimulate an alchemist: "How is this situation like others I've seen?" "What lessons learned in other arenas apply here?"

- Potential pitfalls include trying to move too quickly. Because alchemists can generate ideas so quickly, they can often rush other team members into action before they're ready.

**4 Fool:** Despite the name, Hanley says the fool is often the smartest person in the room. Fools have the power to celebrate weakness and often test ideas by inverting current standards. Fools believe in success through perseverance and are willing to test the borders of current hypotheses to find the right solution. They're most beneficial on a team by finding ideas that break through current barriers.

- Questions that stimulate a fool: "What if I turn this upside down and inside out?" "If I look at it in the opposite way, how's the answer different?" "If it was a mistake, what does it tell me?"

- Potential pitfalls include an interest in persevering beyond what's reasonable for a given idea.

**5 Sage:** The sage is known for the ability to simplify ideas. Sages often look to history and stories to find ideas for work and creativity, and look to simplify these ideas and solutions to their most elegant end. With this ability to simplify, sages are most beneficial as team members with their ability to provide true insight to key issues while creating a solution that is as elegant as it is effective.

- Questions that stimulate the sage: "What is the simplest, most direct path?" "How can the past help me?" "Is the solution elegant?"

- Potential pitfalls include the possibility of focusing too soon on an ending without having all the facts and information clear for the outcome.

For more information, go to [www.fivefacesofgenius.com](http://www.fivefacesofgenius.com). ■

### About the author

Halley Sutton is assistant editor of *Dean & Provost*, also published by Jossey-Bass, A Wiley Brand. For more information about that publication, please go to [www.wileyonlinelibrary.com/journal/dap](http://www.wileyonlinelibrary.com/journal/dap). ■

## Did student's hasty dismissal violate her due process rights?

By Aileen Gelpi, Esq.

Angela Borrell became a graduate student in the nurse anesthesia program of Bloomsburg University in 2011. As part of her studies, she worked at the Geisinger Clinic.

On Sept. 21, 2012, a student informed Bloomsburg's assistant program director that she had seen Borrell use cocaine. When Borrell reported to work at the clinic three days later, university administrators demanded she take a drug test. Borrell was adamant she wouldn't submit to a drug test that day, but said she might be willing to submit to a drug test another day after she had time to think about it. When she was denied that opportunity, Borrell refused the test.

The university terminated her from the program on Sept. 25. Borrell sued Bloomsburg and others. One of the claims was that her procedural due process rights had been violated. The defendants filed a motion for summary judgment.

Bloomsburg argued that Borrell had filed several appeals within its system, and that she was provided all the due process to which she was entitled.

*Borrell v. Bloomsburg University, et al.*, No. 3: CV-12-2123 (M.D. Pa. 10/21/14).

### Which party won the motion for summary judgment and why did the judge rule in its favor?

**A. Bloomsburg University.** The judge noted that students in the medical field are held to higher standards of conduct outside the classroom than students in other disciplines.

**B. Bloomsburg University.** The court agreed that the availability of an extensive appeals pro-

cess ensured that the student's due process rights weren't violated.

**C. The student.** The judge held that the university exceeded its authority by disciplining a student for off-campus behavior.

**D. The student.** The court held that the university had to offer the student an opportunity to rebut the accusations against her before she was dismissed. Appeals aren't a substitute for due process.

Correct answer: D.

The district judge ruled that Borrell's dismissal was for disciplinary reasons — and not academic in nature — because the defendants didn't focus their inquiry on her academic abilities, personal qualities, or whether she could succeed as a nurse anesthetist. As such, he also ruled she was at least entitled to notice of the charges against her, an explanation of the evidence, and an opportunity to present her side of the story. If Borrell had been afforded the opportunity to be heard, she could have presented an argument that reasonable suspicion didn't exist to justify the drug test request, he explained. Because she was discharged the same day that she refused to take the drug test, the judge held that she never received any of that.

The court also held that availability of post-dismissal procedures wasn't an adequate substitute for a constitutionally mandated predeprivation process. He emphasized that the most thorough and fair post-termination hearing couldn't make up for the failure to provide such procedures. ■

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## At a glance

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## DUE PROCESS

### Accused student receives new disciplinary hearing

**Case name:** *Doe v. Brown University*, No. 16-017 (D. R.I. 09/28/16).

**Ruling:** The U.S. District Court, District of Rhode Island ordered Brown University to conduct another disciplinary hearing.

**What it means:** When disciplining a student charged with sexual misconduct, the panel should only apply the edition of the student conduct code in effect at the time of the alleged incident.

**Summary:** When John Doe attended Brown University as a first-year student during the 2014–2015 school year, the Code of Student Conduct didn't define "consent" as it related to sex.

However, it did contain a statement that "sexual misconduct" encompassed a broad range of behaviors, "including acts using force, threat, intimidation, or advantage."

Before Doe returned to Brown for the 2015–2016 school year, the university emailed him a new code that defined "sexual consent" as "an affirmative and willing agreement to engage in specific forms of sexual contact with another" and also specified that "consent cannot be obtained through (1) manipulation or (2) the use of coercion."

A Brown student filed a complaint In October 2015 with the university's Title IX office alleging that Doe had sexually assaulted her in November 2014.

The university charged Doe with sexual miscon-

duct as defined in the 2014–2015 code of student conduct.

At the start of Doe's disciplinary hearing, Title IX Council Chair Gretchen Schultz reminded the panelists the charges against Doe had been brought under the 2014–2015 code, which didn't define "consent."

She then read them the 2015–2016 code's definition of "consent," stating it might be helpful in thinking about how the university viewed the issue.

At the hearing, Doe contended the accuser had been an enthusiastic participant, and had only later claimed sexual misconduct because she developed bad feelings against him after the passage of many months.

After the panel found Doe guilty of sexual misconduct, he unsuccessfully filed an appeal that argued that the term "manipulation" wasn't in the 2014–2015 code.

In the lawsuit he filed against Brown, Doe contended the panel's use of the 2015–2016 definition of "consent" was a violation of the contractual rights created by the 2014–2015 student handbook.

The district judge first said that a student wasn't entitled to a perfect disciplinary process, and it wasn't a court's role to be an appeals court for a university's disciplinary decisions. He also said a minor technical violation didn't entitle a student to a new disciplinary hearing.

However, he ruled that Brown had materially altered the standard contained in the 2014–2015 code, and that Schultz shouldn't have given the 2015–2016 definition of "consent" to the panel.

The judge cautioned that his ruling didn't deal with the issues of Doe's guilt or innocence, but merely addressed what rules should apply to the proceedings.

He ordered a new hearing. ■

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## RELIGIOUS DISCRIMINATION

**Former employee claims Muslim workers treated differently**

**Case name:** *Darby v. Temple University*, No. 15-4207 (E.D. Pa. 10/24/16).

**Ruling:** The U.S. District Court, Eastern District of Pennsylvania refused to grant a summary judgment in favor of Temple University.

**What it means:** A university must treat all similarly situated employees equally.

**Summary:** Temple University housekeeper Maurice Darby regularly wore a cross around his neck, openly talked with co-workers about attending church, and read the Bible on his smartphone during work breaks.

On an unspecified date, Darby reported to management that co-worker Charles Wilson, a Muslim, allegedly threatened him. No action was taken.

Then in March 2014, fellow employee David Chesney, a Muslim, allegedly placed his hand on Darby's left buttock while the two were in the locker room.

Darby filed a complaint against Chesney, claiming the incident had been witnessed by a supervisor.

Chesney reported to Temple on May 5 that Darby had threatened him.

Temple closed Darby's complaint against Chesney On May 9, without taking any action.

A few days later, the university notified Darby that it would review Chesney's complaint about a threat.

Darby was fired on May 29. The termination letter stated he had violated the rules of conduct by engaging in threatening behavior and harassment.

Darby filed a lawsuit claiming religious discrimination.

Temple filed a motion for summary judgment claiming it wasn't aware Darby was of a different religion from Chesney.

The district judge ruled the complaint established a plausible inference that Temple's decision-makers were aware of Darby's religion, because the allegations about wearing a cross on his neck, etc., were enough to imply he was a Christian.

Temple also argued it had the discretion to believe Chesney and disbelieve Darby.

However, the judge observed that both Darby and Wilson were similarly situated in that both were accused of threatening co-workers, and that the Muslim co-worker wasn't disciplined. He refused to dismiss the lawsuit. ■

## DUE PROCESS

**Hearing panel members should receive due process training**

**Case name:** *Doe v. The Ohio State University, et al.*, No. 2:15-cv-2830 (S.D. Ohio 11/07/16).

**Ruling:** The U.S. District Court, Southern District of Ohio refused to dismiss a lawsuit against The Ohio State University.

**What it means:** A university shouldn't withhold critical evidence from an accused student. Hearing panel members should be trained about the due process rights of students accused of sexual misconduct.

**Summary:** First-year Ohio State University medical student Jane Roe was told in March 2015 that she was going to be dismissed from the program.

Two days later, she reported to the Office of Student Life that OSU graduate student John Doe had sexually assaulted her in July 2014.

After her sexual assault report, Roe was allowed to repeat her first year of medical school.

Allegedly, the sole reason for that accommodation

was that Roe claimed to be a sexual assault victim.

At Doe's disciplinary hearing, Roe testified that the university's decision to allow her to continue in the program was made before she reported the sexual assault.

Doe was found guilty of sexual misconduct and expelled.

Doe filed a lawsuit claiming due process violations, and the defendants filed a motion to dismiss.

He argued that the true chronology suggested that Roe had falsely reported a consensual act of sex as an assault simply to be able to repeat her first year.

The district judge said the right to some form of cross-examination in university expulsion hearings was clearly established in cases that turned on a choice between believing the accuser or the accused.

He ruled that it was plausible that Doe's right to cross-examination was effectively denied if the administrators knew Roe lied at the hearing about the timing of her accommodation.

Doe also argued the hearing panel members received training on sexual assault prevention and

understanding sexual coercion and aggression, which encouraged them to empathize with victims rather than evaluate each case dispassionately on the merits.

He also claimed the panel members never received any training on the due process rights of students accused of sexual misconduct.

The district judge ruled that such one-sided training amounted to actual bias.

He refused to dismiss the lawsuit. ■

## SUSPENSION

### Student suspended without opportunity for cross-examination

**Case name:** *Doe v. University of Cincinnati*, No. 1:16cv987 (S.D. Ohio 11/30/16).

**Ruling:** The U.S. District Court, Southern District of Ohio prohibited the University of Cincinnati from suspending one of its students.

**What it means:** Although an accusing student need not be present at a disciplinary hearing, when the possible penalty is suspension or expulsion, the accused must be given the right of some type of cross-examination.

**Summary:** University of Cincinnati graduate student John Doe was notified in February 2016 that a complaint of sexual assault had been filed against him by fellow student Jane Roe.

UC conducted a disciplinary hearing in June. Doe wasn't informed prior to the hearing that Roe wouldn't be present.

The panel's chair read a summary of the information contained in the investigation file.

The chair then said that if the complainant had been present, Doe could have asked her questions.

After Doe was suspended for one year, he filed a lawsuit claiming a denial of due process. He also filed a motion for a temporary injunction, seeking to keep the university from imposing the suspension while his lawsuit was pending.

The district judge said a student had a right to procedural due process in disciplinary proceedings that could result in suspensions or expulsions.

He also ruled that when a disciplinary proceeding turned on a choice between believing the accuser or the accused, cross-examination was essential.

The judge held that Doe was effectively denied the right to cross-examination because he wasn't notified in advance of the hearing that Roe wouldn't be present.

He acknowledged that she shouldn't be required to attend, but ruled that Doe should have had the opportunity to submit written cross-examination questions for the panel to submit to her at some point.

The judge issued the injunction after concluding: (1) there was a likelihood of success on the merits of Doe's due process claim, (2) Doe would otherwise suffer irreparable injury, (3) no one would be harmed since Doe had already been permitted to remain on campus through the end of the fall 2016 semester, and (4) the issuance of an injunction pending the settlement of the proceedings was in the public interest. ■

#### LAW & CAMPUS

This regular feature summarizes recent court or agency records of interest to student affairs administrators.

Lawsuit court records are summarized by Richard H. Willits, Esq. (*Contact him at reelrh@hotmail.com.*) ■

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## Find ways to show students the relevance of your campus, despite competition

By Halley Sutton

Stephanie Krah didn't start out with plans to go into higher education enrollment management or student affairs. With an associate degree in cardiovascular technology, a bachelor's degree in exercise science, and a master's degree in public health, going into the health sciences was her immediate plan after graduate school.

Krah's plans changed when she was working as a graduate minority assistant at the University of Toledo in the Office of Student Judicial Affairs and Greek Life while preparing to start her Ph.D. in health education.

"The summer after my master's program graduation I was still working in student affairs, and during a new student orientation program I was engaging with prospective students and had an epiphany that I wanted to do this for the rest of my life," Krah recalled.

Krah changed directions and began to apply for Ph.D. programs in higher education, and eventually secured a different position working in student affairs at the University of Toledo before moving to Central State University, where she's VP of student affairs and enrollment management. Krah shared tips and strategies for how to grow enrollment and stay relevant in a culture that offers enormous choice for students.

### Staying relevant, competitive while maintaining historical status

Two of the biggest challenges that Krah said she faces at her university are staying competitive and staying relevant.

"There are thousands of colleges students can choose from. Therefore, it is critical that we are competitive as it relates to our affordability, program offerings, and overall student experience. This generation of students looks at a multitude of things when choosing a college, so it is essential we remain current as the times change," Krah said.

Central State University also faces an extra layer of relevance as a historically black college and university, Krah said.

"Although being an HBCU is not all of who Central is, it can be all that people see," she said, adding that, ironically, this can lead to the university being perceived as less diverse and inclusive than it actually is.

To stay relevant, Krah and her team have com-

mitted to opening up lines of communication and lowering cost of attendance for students. In the past, Krah's office didn't have a succinct process to engage students through the cycle of prospective student to enrollment, she said.

### Key strategies boost enrollment

To develop a thorough process that has helped increase new student enrollment by 21 percent in the past year, Krah and her staff members used the following strategies:

- ✓ Increasing points of engagement with students after they submitted an application, via both email and phone.
- ✓ Using multiple modes of communication to reach students and their families.
- ✓ Working to engage parents more closely in the entire enrollment process.
- ✓ Developing closer ties with high school and community counselors and access partners.

In addition, in April, CSU reduced its out-of-state surcharge by 76 percent. This has reduced the out-of-state tuition from \$7,600 more than in-state tuition to only \$1,850 a year more than in-state tuition. "This reduction made CSU a more affordable option for our incoming students," Krah said.

Finally, Krah works hard to take a holistic view of students whom she believes will be successful on CSU's campus. Besides looking at just grade point average and test scores, Krah looks for leadership skills and grit to help her determine which applicants will be successful at CSU.

"I am in the process of trying to research and create a matrix that we can use in our pre-enrollment and enrollment process to ascertain these details about students. Now, this is not a surefire way to say a student is a 100 percent fit, but it will give us some insight on how we can engage and work with students before they arrive and while they are on campus," Krah said.

For more information, you may email Krah at [skrah@centralstate.edu](mailto:skrah@centralstate.edu). ■

### About the author

Halley Sutton is assistant editor of *Enrollment Management Report*, also published by Jossey-Bass, A Wiley Brand. For more information about that publication, please go to [www.wileyonlinelibrary.com/journal/emt](http://www.wileyonlinelibrary.com/journal/emt). ■