




UMS Student Conduct Training

2021-2022



Housekeeping

- Breaks every hour
- Camera use
- Participation tracking
- Mute when not speaking
- If you have technology issue, use Zoom to message Donna Seppy
- NearPod open in large screen and minimize Zoom

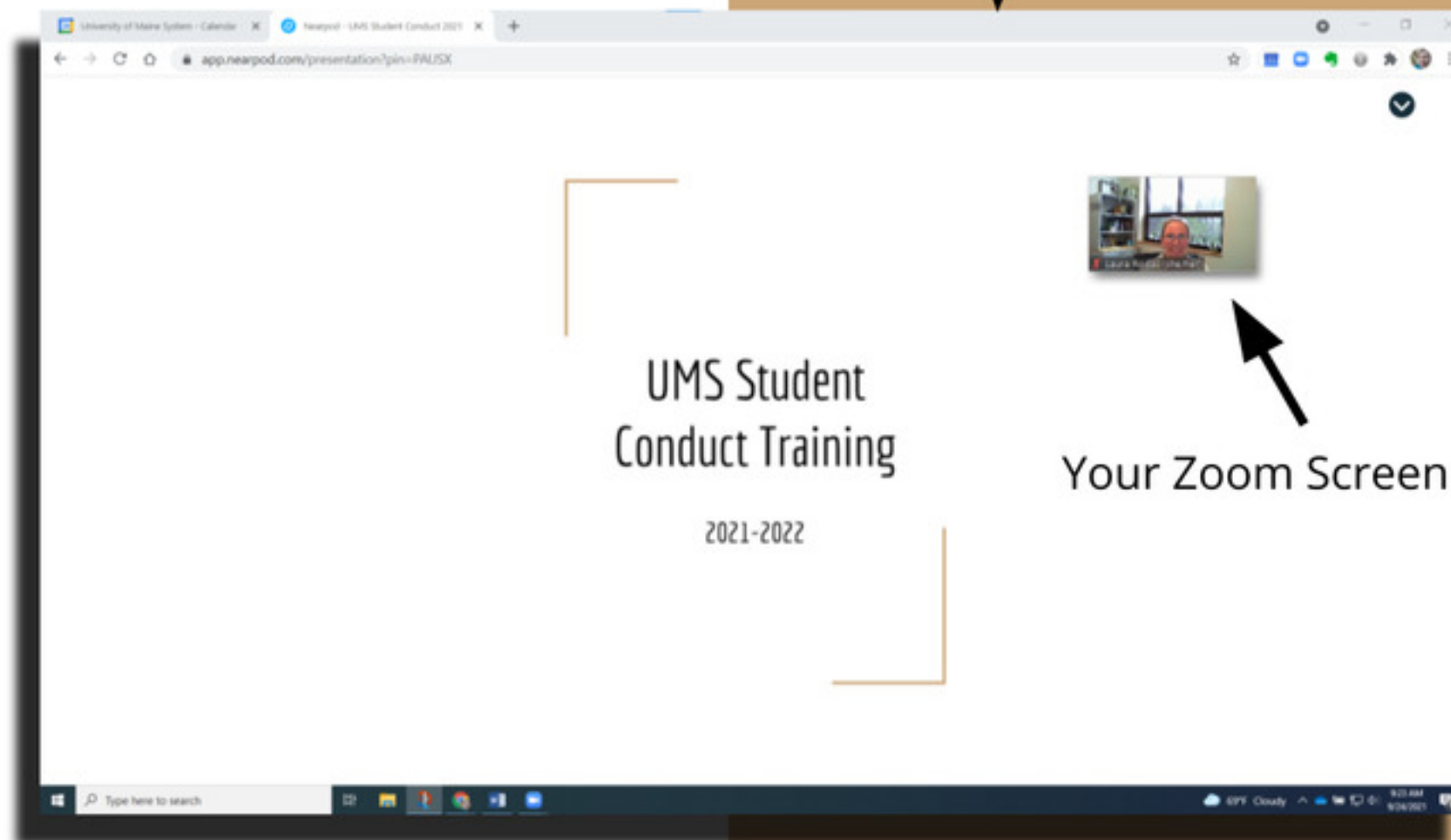
Needed Materials:

- Pen or pencil
- Paper

Recommended Set-Up

Have your web browser open in
maximum size
Minimize your Zoom screen

Your browser



Your Zoom Screen

Technology Test!

Poll

Which campus do you primarily attend or work at?

- University of Maine at Augusta
- University of Maine at Farmington
- University of Maine at Fort Kent
- University of Maine
- University of Maine at Machias
- University of Maine at Presque Isle
- University of Southern Maine
- University of Maine System

Goals for Today's Training

- Understand Student Conduct Code & Process
- Relationship building
- Feel prepared to hear cases

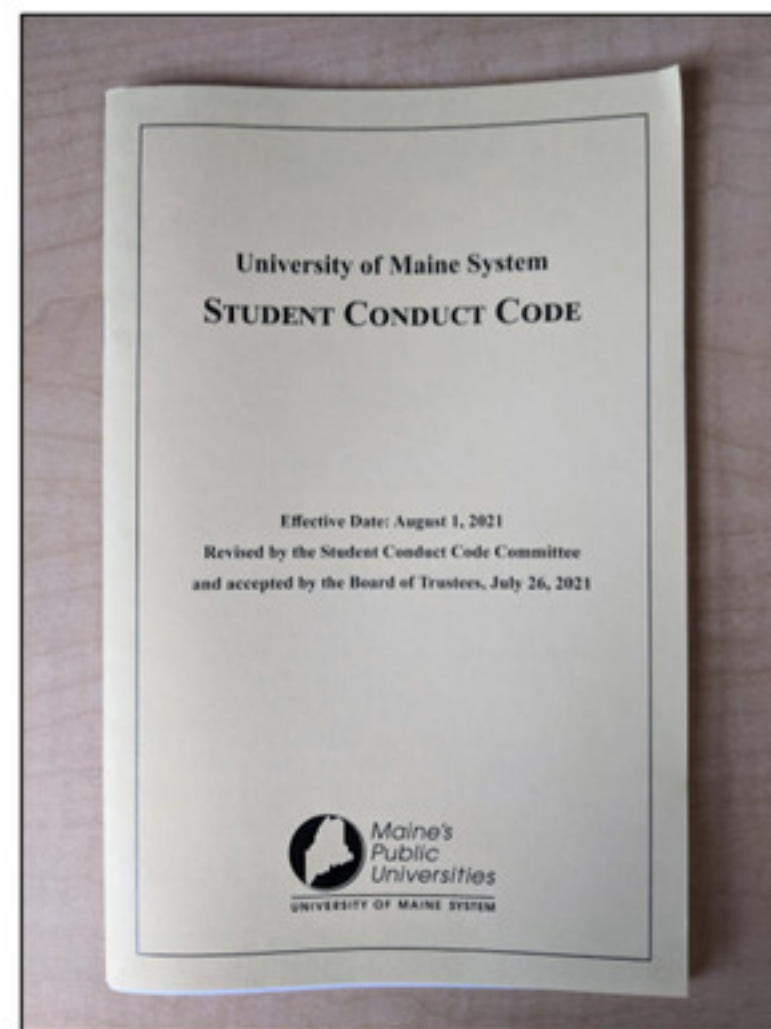
Introductions

- Name
- Pronouns
- New or Returning Member
- Role (student, staff or faculty)
- Major / What you teach / do
- Campus

UMS Student Conduct Code

5. The Disciplinary Code. President Young reported that a committee made up of students, faculty, and administration have been working to formalize the University's responsibility for student behavior and the disciplinary procedures. This is a timely and significant document and comes to the Board after thorough discussion by students, faculty, the General Student Senate and the Faculty Council. Upon the recommendation of President Young, it was moved, seconded, and

VOTED: To approve the adoption and the immediate implementation of the Discipline Code under discussion with the understanding that minor alterations and amendments are yet to be made.



Established April 17, 1968

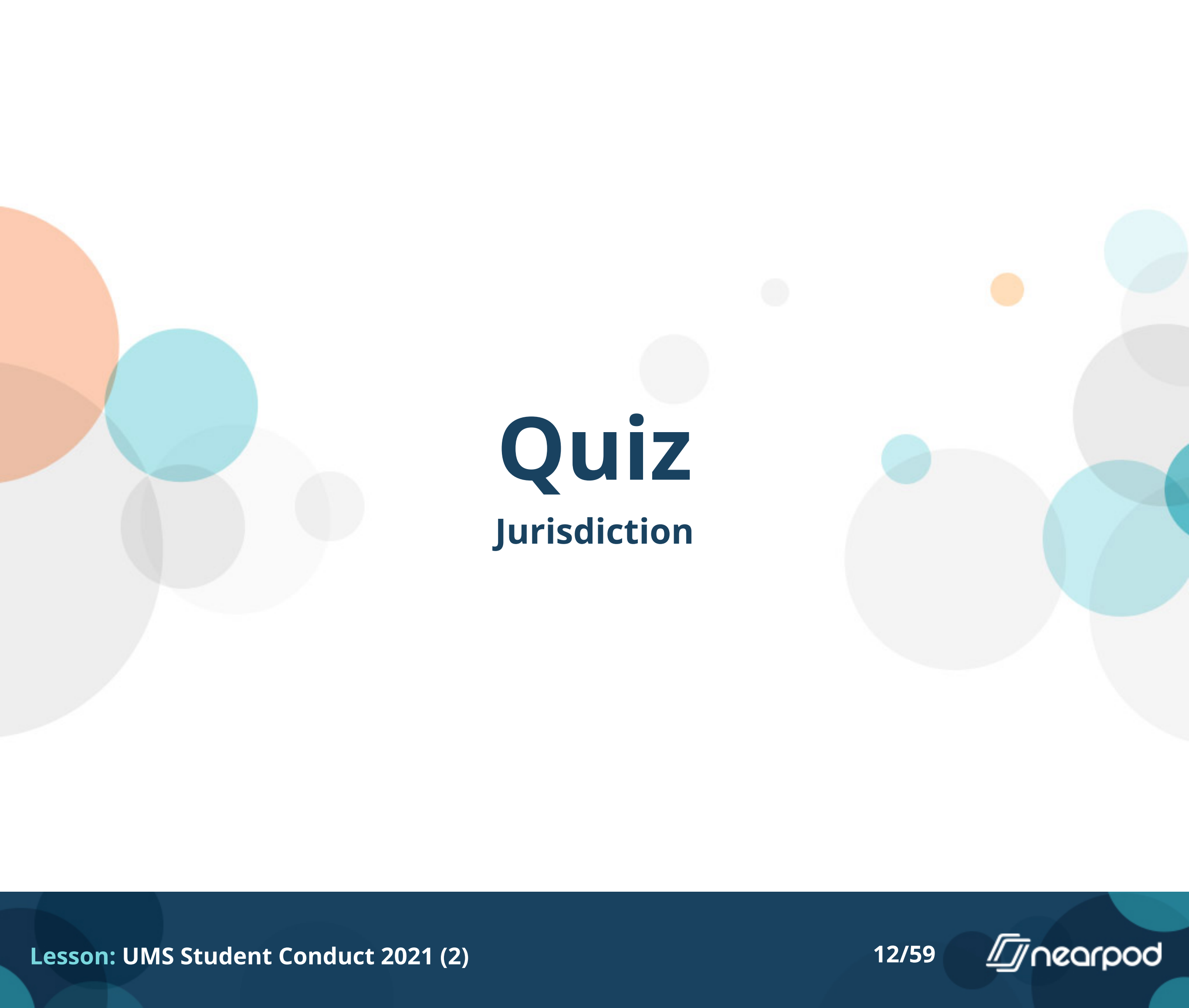
- Revised every three years
- Most recent edition 2021



Philosophical Underpinnings

- Growth and development are fostered
- Individual rights of all persons are respected
- Reflects and supports educational mission of the University
- Judicial process is a learning experience, not punitive
- Sanctions address safety, security and high standards of behavior

Jurisdiction



Quiz

Jurisdiction

Select the individuals to whom the Conduct Code applies:

- Students in graduate school
- Undergraduate students
- Employees
- Student Employees
- Applicants to the University
- Graduates / Alumni
- Guests

Assume that a student engaged in behavior that violated our Conduct standards. Of the locations provided below, which would be settings where the University could take action?

- On campus
- In an on-campus residence hall
- In a non-University controlled residence hall (Greek life)
- On a study-abroad trip
- In a private home
- In a local business
- Online
- On a service learning trip in another U.S. state

The Code can be applied when the University has jurisdiction over both the Responding Party and the alleged conduct.

At the time of the report, Responding party must be:

- A student enrolled at the University, or
- A University recognized student organization (even if suspended).

The University has jurisdiction over the alleged conduct when it occurs:

- On any campus property.
- At a University activity or program, or
- In ANY context where the University can demonstrate a substantial interest regardless of location, and when the conduct threatens:
 - Any educational process
 - Legitimate function of University
 - The Health or Safety of any individual.

Due Process

Fill in the Blanks

review

evidence

Timely

procedures

“knowable”

Adherence

defense,

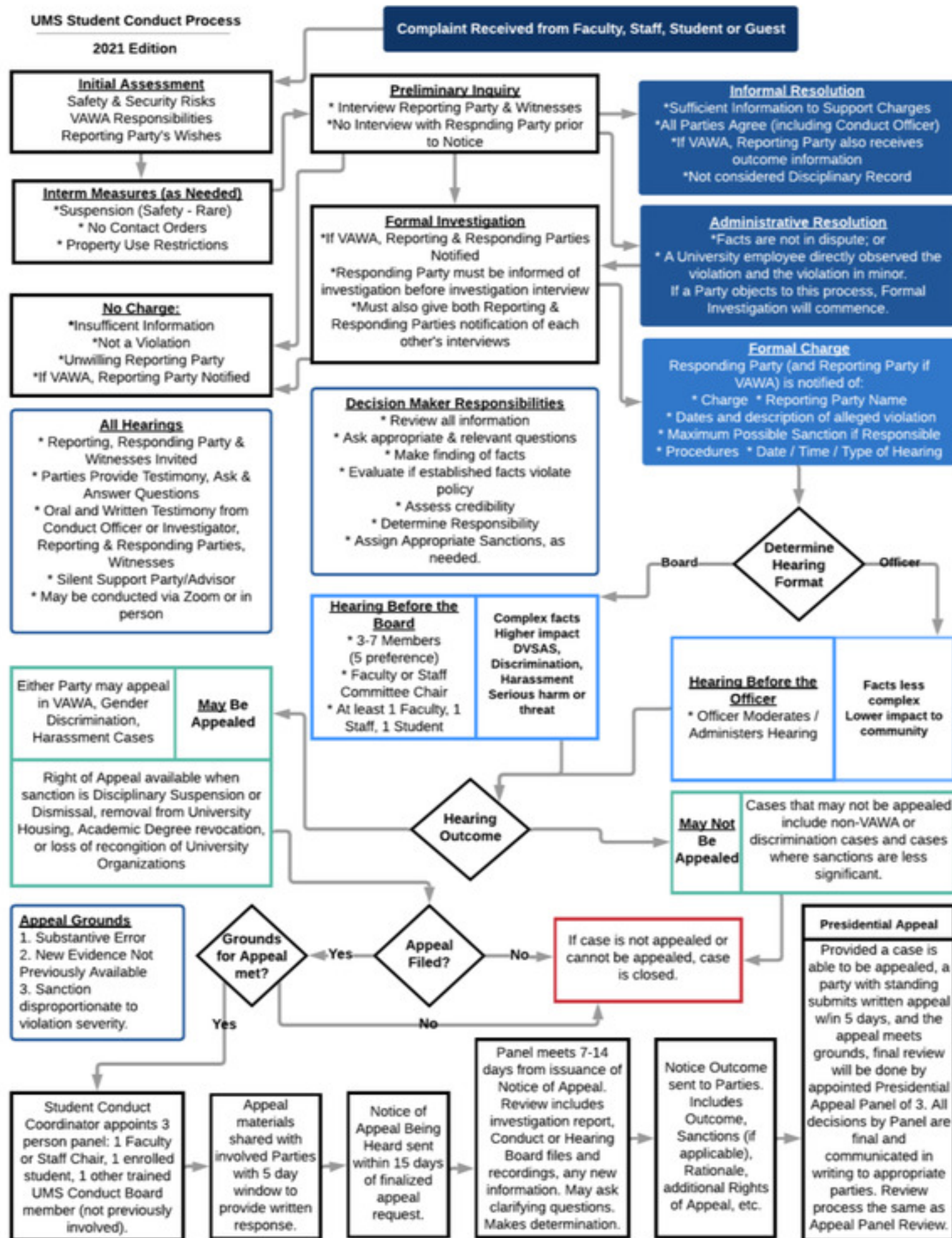
Rules are known or _____ in advance
_____ Notice of the specific allegations
Right to speak in one’s _____ including the
presentation of witnesses
Right to provide _____
Right to _____ evidence against him or her
Knowledge of basic _____ of the conduct process
_____ to the procedures by the University

Due Process Expectations

- Rules are *known or “knowable”* in advance
- *Timely Notice* of the specific allegations
- *Right to speak* in one’s **defense**, including the presentation of witnesses
- *Right to provide evidence*
- *Right to review evidence against* him or her
- *Knowledge of basic procedures* of the conduct process
- *Adherence to the procedures* by the University

Conduct Code Sections

- Jurisdiction
- Definitions
- Violation Types
- Sanctions
- Procedures
- Appeals
- Training
- Student Conduct Code Committee
- Amending the Code



Conduct Procedures

- Administrative Resolution
- Interim Measures or Actions
- Formal Investigation
- Determination of Hearing Format
- Notice Following Investigation
- Hearing

Interim Action Options

- No contact orders
- Course adjustments
- Housing adjustments
- Loss of visitation privileges
- Cease and desist specified organizational activities

Interim Action - Substantial Risk / Threat

- Substantial threat to Responding Party or other people, significant risk of property damage, or significant risk of disruption to or interference with the normal operation of the University.
- Interim Suspension, Restriction to Campus, etc.

Interim Action Review

- Review of non-threat/safety actions upon request within 5 days
- Threat to health/safety/well-being, review of actions automatic and happens (typically) within 3 days

Formal Investigation

- May be Conduct Officer or alternate assigned (trained) investigator
- Aims to be objective, reliable, thorough, impartial, timely and fair
- Regular updates sent to involved parties
- Investigation typically completed within 90 days
- Written report includes both inculpatory and exculpatory evidence



Breaktime & Standards of Proof



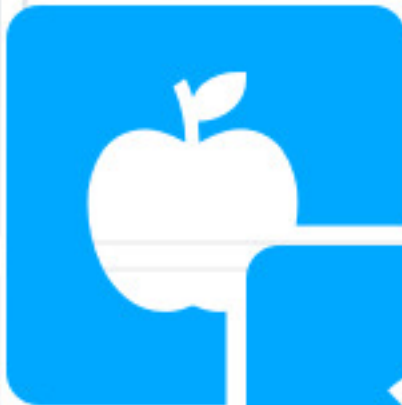
Match up into corresponding pairs the different standards (e.g. Clear and Convincing) to its Burden of Proof (e.g. Almost 100% Certainty, Any Evidence at All)

Instructions

Scintilla

the Evidence

the allegations are true (75%)



Almost 100%

Any evidence

More likely than

Matching Pairs

Breakout Activities Overview

The individuals in your breakout group are all members of a Conduct Hearing Board Panel that has been brought together to hear a case.

Each group will work together as a conduct hearing panel in each of the 3 breakout sessions. Groups will be asked to report out on their scenario and discussion upon rejoining the larger group.

3 Sections of Case Study

- Initial scenario with general information about allegations
- Information about what investigation found, what occurred at hearing
- Deliberations / Case Resolution information

Folders

Scenario A

Scenario B

Scenario C

Files

UMS Student Conduct Process

Completed Reported from Faculty, Staff, Student or Other

Investigation Phase

Adjudication Phase

Sanctions Phase

Appeal Phase

UMS Conduct Process ...

University of Maine System
STUDENT CONDUCT CODE

Effective Date: August 1, 2021

UMS_Conduct_Code_2...

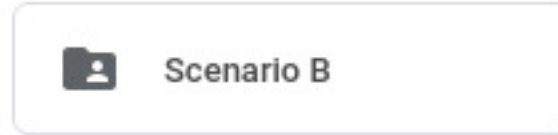
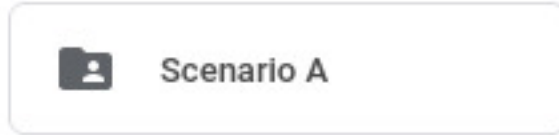
Student Conduct 2021

DOWNLOAD ALL

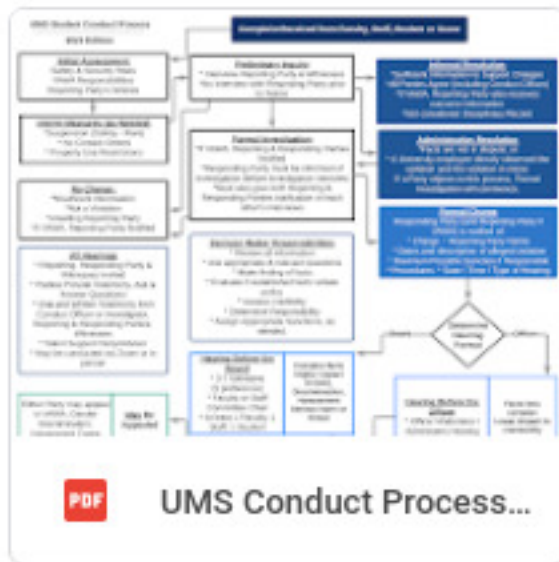


Folders


Name ↑



Files



<https://drive.google.com/drive/folders/1i2yPNcl5ThCntAaZZHU6KxllYezBw1Sb?usp=sharing>

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Breakout 1



Hearing Board

- Parties are notified of right to participate
- 3-7 member panel, consisting of
 - Faculty or staff chair
 - At least 1 enrolled student
 - At least 1 additional faculty or staff member
- Conflict of Interest
- Hearing held 7-14 days after Notice of Hearing Board Hearing
- Confidential, Recorded by University
- Notice of Outcome given to Parties after Hearing

Hearing Format

Conduct Officer

- Facts are less complex
- Alleged violation anticipated to have lower impact to parties and community

Hearing Panel

- Facts are more complex
 - A diversity of opinions is important to a fair outcome
- OR
- Alleged Violation(s) are anticipated to have higher impact to the Parties and community.
 - Cases involving:
 - Dating or domestic violence
 - Gender discrimination
 - Sexual assault
 - Sexual harassment
 - Stalking
 - Discrimination
 - Harassment
 - Serious physical, emotional or psychological harm or the threat thereof

Hearing Board Panel Members

- If concerned about potential bias/conflict of interest, tell us!
- Never obligated to hear a case
- Dress appropriately - avoid clothing that has images / words
- Come prepared - read documentation ahead of time
- Identify missing information, questions that need answering in order to determine if policy violation has occurred

Hearing Board Panel Members

- Fact finders - Determine what happened
- Use the Preponderance of the Evidence Standard
- Determine if the facts, in the given circumstance, constitute the alleged policy violation
- If a violation is found, sanction appropriate to violation severity
- Review if the conduct process was in accordance with the Student Conduct Code

What to Expect in a Hearing

- Introductions
- Chair's explanation of confidentiality, process, etc.
- Investigator/ Conduct Officer's Presentation of Investigation
- Reporting Party's presentation of case & Questioning
- Responding Party's presentation of case & Questioning
- Witnesses & Questioning
- Reporting Party's closing statement
- Responding Party's closing statement
- Committee retires and deliberates

Creating a Rubric

- Take language of violation and break down into questions.

VIOLATION OF UMS ACADEMIC INTEGRITY POLICY.

B. Disruption of University Operations

- 1. Causing a Disturbance:** Disturbance resulting in substantial disruption of University activities.
- 2. Failure to Comply with Sanction:** Failure to comply with a sanction imposed under this Code.
- 3. Failure to Identify:** Failing to accurately identify oneself to a University employee performing their official duties.
- 4. Interference with Code Enforcement:** Interference with a Reporting Party, Responding Party, witness, investigation or the carrying out of procedures defined in this Code.
- 5. Interference with or Failure to Comply with a University Employee:** Direct interference with or failure to comply with a University employee in the performance of their official duties.
- 6. Supplying False Information:** Knowingly supplying false information to University employees in pursuit of their official duties or to an investigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel, in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.
- 7. Unauthorized Representation:** Unauthorized representation of the University or University employee(s).
- 8. Violation of Residence Hall Contract.**
- 9. Violation of Student Activity Regulations:** Violation of a University regulation, policy, standard of conduct, or code of ethics.

Creating a Rubric

- Was there a disturbance? Yes or No
 - If yes,
 - Did the disturbance cause a substantial disruption?
Yes or No
 - If yes,
 - Was that disruption of authorized / planned / regular University activities?
Yes or No
- If No to any of the above, there was no policy violation.
- If Yes to all of the above, there was a policy violation.

Questioning

- **Appropriate Questions:**
 - Have a clear intent
 - Are worded so that the questioner and the person being questioned are both clear about the intent and information that is being sought in a response
 - Are relevant - aimed at gathering information to answer rubric questions


Questioning Tips

- Fully explore one line/area of questioning before moving on to another topic
- Begin with closed-ended questions and transition into other types of questions to gain more detail



Breaktime!

During the 8 minute break, complete
the matching pairs activity



Weighing Evidence



List one piece of evidence from your scenario that you would generally find credible (assuming it was available).

Collaborate Board

Weighing Evidence



Breakout 2



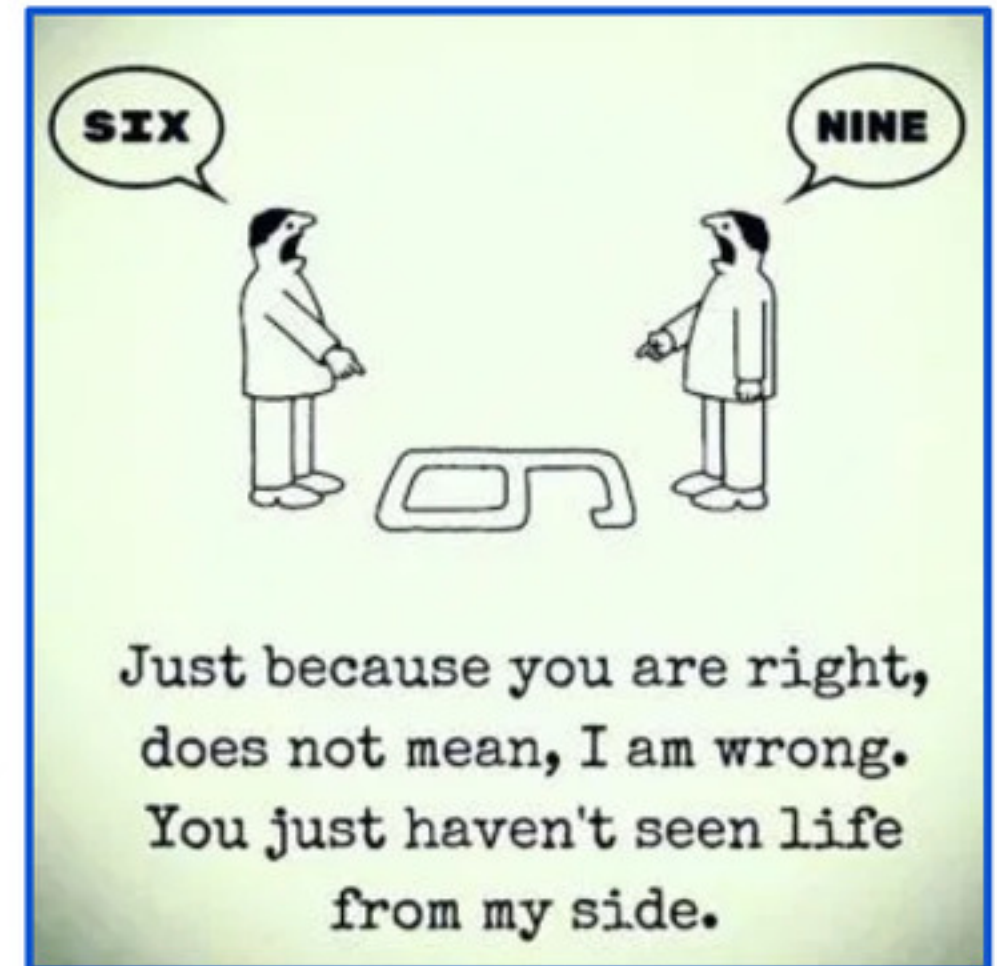
Deliberations

Closed-door process with only committee present.

Deliberations are guided by (*not decided by*) the Committee Chair.

Key Steps:

1. Determine what facts/events are more likely than not to have occurred
2. Apply the facts to determine if they meet the violation definition criteria



Making Sense of the Information: What goes “on the scale” to be Considered?

- Assess each piece of information for relevance
- Consider credibility of information
- Measure answers to questions considering the following:
 - Was the question answered with fact(s)?
 - Was the question answered with opinion(s)?
 - Was the question answered with circumstantial evidence?

Making Sense of the Information

- Examine only actions that have a direct relation to the situation under review;
- Explore motivation, attitude and behavior of Reporting party, Responding Party, and witnesses;
- Apply any relevant standards:
 - Force, Consent, Incapacity
 - Unwelcome-ness; reasonable person; discriminatory effect
- Analyze the broadest, most serious violations first and make a determination of each and every violation alleged, element by element
- Withhold judgment until all evidence has been considered

Poll



Consider the scale on which one should be placing evidence. How should it start off?

- No weight on either side of scale
- 50% on each side of scale
- 100% on Not Responsible
- Another number or approach

The Decision

If found Not Responsible:

Panel Members free to go after returning documents

If found Responsible

Review of any impact statement

Review of previous conduct history (if any)

Panel determines/assigns appropriate sanction(s)

For either finding:

Chair provides Panel Opinion, helps craft decision

Parties entitled to outcome information receive it in writing

All documents returned

Goals of Sanctions

- Help student learn from their experience
- Ensure student does not repeat behavior
- Offer opportunity to make good on a mistake
- Ensure understanding of community expectations
- Protect community from harm
- Communicate tolerance level for policy violations

Considerations When Assigning Sanctions

$$\begin{aligned} & \text{Nature of the Violation(s)} \\ & + \\ & \text{Previous Disciplinary History of the Student} \\ & + \\ & \text{Mitigating or Aggravating Factors} \\ & + \\ & \text{Student's Developmental Needs} \\ & + \\ & \text{University Precedent for Similar Violations} \\ & = \\ & \textbf{Sanction} \end{aligned}$$



Breakout 3



Debrief - All Groups

- Any information or perspective you're wanting to share about the outcomes in your particular cases?
- What did you learn from this practice?
- Are there areas in which you feel you would benefit from having additional training ?
- Why does this all matter - the Conduct Code, the process, following specific principles, etc.?
- How does this work impact our communities?

Conduct Appeals

- For cases where sanction is:
 - Disciplinary Suspension
 - Disciplinary Dismissal
 - Removal from University Housing
 - Academic degree revocation
 - Loss of recognition of University Organizations
- Either party may appeal in any case involving:
 - Domestic or Dating Violence
 - Gender Discrimination
 - Sexual Assault
 - Sexual Harassment
 - Stalking
 - Discrimination
 - Harassment

Conduct Appeals

- UMS Coordinator of Appeals or designee appoints 3 Appeal Members:
 - An appeal Panel Chair that is a faculty or staff member
 - 1 enrolled student
 - 1 hearing board member (not previously involved)
- Appeal must be in writing, timely, and meet grounds:
 - Substantive error, including procedural error or omission that substantively impacted investigation or outcome
 - To consider new evidence (not available previously)
 - The sanction imposed is disproportionate to severity

Wrap - Up

- VAWA training opportunity
- Future trainings
- Questions?
- Please complete feedback form!



Conduct Training Evaluation (Live Session)

Please let us know what you thought of the Conduct Training (feedback on the BrightSpace).

[Sign in to Google](#) to save your progress

* Required



Overall review of training

Poor

Fair

Satisfactory

Very good

Excellent

<https://forms.gle/AxDQ2uE56GkwHheC7>

overall?

How would you rate the training pace?

