

Student Affairs Today

Best Practices and Strategies for Student Affairs Professionals

VOLUME 14, ISSUE 2

MAY 2011

SNAPSHOTS

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YOU BE THE JUDGE

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COVER STORY

Bring campus experience to online students

PHILADELPHIA — Many colleges and universities struggle to keep four generations of online and on-campus students engaged at once, while also providing them services and ensuring that they learn content.

“At no time in history have we had such diversity on our campuses and online,” said Kristen Betts. She’s senior director for eLearning Initiatives, Office of the Provost at Drexel University. With a national attrition rate at 42 percent and shifting student enrollments, student affairs professionals wonder if their practices should also shift, and how, she said.

Betts and her colleagues shared proven strategies for using technology to engage multigenerational students at the annual conference of NASPA: Student Affairs Administrators in Higher Education. Inside, we provide their tips to help you successfully connect with students at your institution. **Full story, page 5.**

Review strategies

Find out how to adapt existing programming to reach your online students. **See page 5.**

HIGHLIGHTS

Educate students about medical marijuana policies, laws

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Encourage respectful behavior among staff members

Check out our expert's practical tips for addressing staff members' uncollegial behavior so that your team can enjoy smooth day-to-day operations. **Page 7**

Successfully lead staff, students through major transitions

Patrick Day, vice chancellor for student affairs at University of Massachusetts Boston, is leading his campus through a major change. He shares timely advice for institutions also going through major transitions. **Page 12**

BRIEFS

Beware events leading to misconduct

Although you can't control students' actions at university-sanctioned events, you can ensure your institution doesn't continue sanctioning events that led to bad conduct in the past.

A University of Connecticut student died after being assaulted during its Spring Weekend last year. Now a lawyer representing the family plans to sue the institution for failing to protect him. He claims university officials continued sanctioning the annual event, even though they knew student conduct there was a problem. ■

Raise awareness about bullying

If you're hearing more students complain about harassment or bullying because they're gay, it's time to take action.

The University of Wisconsin-Madison's launched the "Stop the Silence" campaign after a gay Rutgers student committed suicide.

The campaign aims to raise awareness about harassment and bullying on the basis of gender and sexual orientation. It included discussions about ways to discourage

bullying and a vigil acknowledging recent suicides. ■

Group supports guns on campus

Make sure your institution's policies regarding guns on campus comply with state law.

Arkansas Carry, a gun rights group, asked the state's Department of Higher Education to allow concealed weapons permit holders to carry firearms onto college campuses throughout the state. It contends that not allowing people to do so violates state law. ■

University project supports local foods

Some institutions are helping students improve their health while also supporting local farmers.

The University of Minnesota-Morris' Healthy Eating Project connects education leaders, healthcare, and the local food system. It emphasizes serving more fresh fruits and vegetables on campus, educating students about purchasing and preparing healthier foods, and expanding local gardening and farmers markets. ■

ASSESSMENT ADVICE

Create an assessment culture

Q How can we communicate assessment results in a way that ensures they will be put to good use?

A Your audience probably has little to no statistical background. Strive for simplicity and clarity. Use concise executive summaries, charts and graphs, not just numbers. Remember that some statistically significant differences aren't important, but some important differences may not appear statistically significant.

Adapted from *Planning and Assessment in Higher Education*, by Michael F. Middaugh. It's published by Jossey-Bass, an imprint of Wiley. To order, go to www.wiley.com.

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? E-mail the editor at cmccarthy@wiley.com. ■

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Educate students about medical marijuana policies, laws

Is it OK for colleges to let students use medical marijuana on campus in states where it's been decriminalized? The answer is a resounding no, according to experts at the 32nd Annual National Conference on Law and Higher Education, sponsored by Stetson University College of Law.

"Federal law trumps state laws for all federally funded higher education institutions," said Darby Dickerson, dean of Stetson's College of Law. That means even where state laws have legalized or decriminalized marijuana use for medical purposes, colleges and universities are still subject to two federal mandates: the Drug Free Schools and Communities Act and the Drug Free Workplace Act of 1988.

Using or possessing a controlled substance on campus violates both statutes. Although decriminalized or legalized in some states, marijuana is still listed in Schedule I of the federal Controlled Substances Act and is considered to have "no accepted medical use."

Not a prescription

Student affairs professionals must have a clear understanding that marijuana is never actually prescribed, Dickerson said. It can only be "recommended" by a doctor, for its palliative effects on certain symptoms, she said.

There's no evidence marijuana can cure diseases, Thomas Workman said. He's associate professor of communications at Baylor College of Medicine.

"If you look at the literature, you'll realize that marijuana is an anesthetic," Workman said. "This is not a medicine that you would use as an antibiotic for infection," he added.

But Workman explained that just saying no to a student asking to use medical marijuana is the wrong approach. Rather, student affairs professionals could ask, "What is going on with [this student] that needs to be treated?" Workman said.

"If we simply say 'we don't accept medical marijuana,' we're missing the issue," he said.

Recent data suggests that the same students who are high-risk substance users will be the ones using medical marijuana, the experts said. But with marijuana — as opposed to other drugs or alcohol — there's no clear evidence that it's harmful, Workman said.

Clarify policies

Student affairs professionals face two main issues related to medical marijuana: (1) how to help students manage using a substance that's becoming decriminalized, and (2) how to approach harm reduction when it's not clear that the substance is harmful.

Clarifying your college policies and educating students can help address these issues, Workman said.

"If you poll your students, you'll realize that they don't know what the law says," Workman said. "Educate them by clarifying your policies."

Start by checking the policies of institutions in states where medical marijuana has been decriminalized, Dickerson said. The University of Montana, the University of Arizona and Michigan State University all have policies in place, she noted.

You may not need to amend your current policies, Workman said. "Sometimes clarifying current policies may be enough."

Publishing a set of frequently asked questions, such as the one published by the University of Arizona, will help dispel students' doubts as to what your campus allows, both experts agreed.

For colleges choosing the FAQ route, the experts suggested addressing the following issues:

- **Housing.** While allowing medical marijuana use anywhere on campus would be a violation of federal laws, colleges requiring on-campus housing could consider accommodating students who have valid requests to use medical marijuana by allowing them to live off-campus.
- **Disciplinary codes.** Clarify that medical marijuana laws don't give students a green light to "living high," Workman said. State laws allow its use in a way and place that doesn't cause harm to the user or others, he said.
- **Drug paraphernalia.** Explain that possessing and displaying drug paraphernalia violates college policy and federal law.
- **Student-workers.** Specify how university policies will apply to student-workers and how the university determines if an individual qualifies as a student or a worker for disciplinary purposes.
- **State registries.** Remind students that state registries list individuals using medical marijuana. Ask students whether they've considered how inclusion in the registry could impact their future professional lives.

Contact Darby Dickerson at darby@law.stetson.edu or Thomas Workman at taworkma@bcm.edu. ■

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Collaborate to help vets transition to college

PHILADELPHIA — Veterans enrolling in college face many challenges. And that means student affairs professionals face challenges in their efforts to help smooth vets' transition and ensure their success.

That's according to Grand Valley State University's Steven Lipnicki, assistant dean of students; and John Koch, Veterans Network graduate assistant. They offered practical strategies to support veterans at the annual conference of NASPA: Student Affairs Administrators in Higher Education.

Conditions such as post-traumatic stress disorder and other disabilities are just the tip of the iceberg for student-vets. That means the services you offer to help other students might not meet student-vets' unique needs. And a majority of vets return to college as sophomores so they won't qualify for first-year experience programs.

Due to deployments or training, many combat vets who are still active military might miss three semesters in a row. When they return to campus, many student-vets they had connected with have graduated. And any student-vet leaders you develop won't have much longer before they graduate. That's why "freshmen are like gold" if you train them right away to lead, Koch said.

Many student-vets have spouses or children and struggle more than others to balance family and college, Koch said. That's why it's critical for student affairs professionals to find ways to help vets rebuild connections with families and peers, he said.

Make your campus veteran-friendly

The following are some strategies that are helping the presenters support veterans on their campus:

❑ **Collaborate with local agencies and other campus departments.** Lipnicki and Koch launched the Veterans Network, led by the Dean of Students Office in collaboration with the Division of Equity and Inclusion and the registrar. The Veterans Network

has no designated office space and little funding, but the committee meets three times per semester, has a Web page, and facilitates support for student-vets.

❑ **Create opportunities for vets to reconnect with each other.** Koch has had success with tailgating events and shooting range outings. Also, a Veterans Network Facebook page allows student-vets to send messages to each other, receive invitations to Network events, and ask staff members questions.

Koch launched a campus vet organization by recruiting student-vets, who then recruited a faculty member — also a vet — to serve as their advisor.

❑ **Help vets with financial issues.** Student-vets often struggle with finances, including certification of GI-Bill education benefits, Koch said. He encouraged various departmental liaisons to volunteer to receive certification training. When student-vets call about their GI-Bill benefits, staff members know their names as well as the certification process.

❑ **Educate faculty and staff members, including clerical and front-line staff, about the student-vet transition.** At his institution, if one staff member is unavailable, another can answer at least part of a student-vet's question. Campuses should consider posting "This office is veteran friendly" decals, Lipnicki said.

❑ **Provide opportunities to recognize vets.** Student-vets value giving and receiving recognition and appreciation, Koch said. His campus recently held a 5K Fun Run to honor Vietnam vets, collecting personal care items and food for a vets' assistance program.

❑ **Provide ongoing enhancements to services and supports.** Koch and Lipnicki hope to establish a program where "faculty who are vets or care about vets" mentor student-vets. And they envision a space where student-vets can meet with each other. That's more important than office space, they said.

Contact Lipnicki at lipnicks@gvsu.edu or Koch at John_Koch@gvsu.edu. ■

Determine vets' needs

Grand Valley State University wanted to better serve student-vets. But first they needed to identify the greatest areas of need. They partnered with Sherry Woosley, director of analytics and research at Educational Benchmarking, who surveyed the university's student-vets.

Do the same by following these steps, provided by Steven Lipnicki, assistant dean of students, and John Koch, graduate assistant:

1. Poll student-vets as soon as possible to determine common challenges and needs.
 2. Address common challenges and needs by sending all student-vets e-mail blasts about pertinent resources and services. (You may be able to identify which survey respondent experienced military sexual trauma, for example, but don't direct your response specifically to that individual.)
 3. Assess existing expertise and resources at your institution.
 4. Identify gaps and training opportunities.
 5. Consider forming a veterans network among departments.
 6. Connect with community resources.
 7. Ensure visibility of programming and services.
- Contact Woosley at swoosley@webebi.com. ■

Use strategies to engage multigenerational online students

PHILADELPHIA—Technology can help you reach today's multigenerational students where they are, in and out of the classroom; online; and even in their workplaces. That's according to John E. Cooke, associate dean of students for campus engagement, Drexel University.

But you must personalize — going beyond mass e-mails, warned David A. Ruth, dean of students. Students need the “online human touch,” he said.

That approach works for Drexel. Most of the university's students that were surveyed said they were very satisfied or satisfied with Drexel's online and blended master's in higher education program. Half said the online experience was the same quality as the on-campus experience, while 43 percent said the online experience was better than the on-campus one. Engagement is what retains students, even if engagement isn't the reason they originally chose the institution, said Kristen Betts, Drexel's senior director for eLearning Initiatives, Office of the Provost.

And engagement is possible even with a small staff, as long as everyone has the same goal, said Richard F. Kopp, associate director of campus activities. To ensure success at reaching students enrolled in online and blended courses, you'll need to find ways to bring the campus experience online, Betts said.

The Drexel colleagues shared tips for success at the recent annual conference of NASPA: Student Affairs Administrators in Higher Education.

Connect with your students by trying these strategies:

- **Connect before matriculation.** This is especially critical for online students.

- **Hold an online open house.** 12 noon or 8 p.m. may work best.

- **Send all students a recorded message from their program director.** Say they'll receive follow-up calls from their academic advisors and other campus representatives.

- **Follow up with personalized communication.** Use names in all communication, discussion boards and e-mails. Include videos and photos when possible.

- **Start small, with one event.** Gauge the response before doing another.

- **Offer online versions of campus programming.** Record and archive programs you're already holding on campus so they become online events. Tell students: “You missed it — but you can still see it online.” Consider first-year and senior-year

experience, orientation, convocation, ethnic heritage month events, town hall meetings, etc. Let those who attend online events post photos and questions.

- **Remember special needs.** Some students with disabilities can participate more in events held online, especially using archived video, which allows text captioning. Give enough notice for setting up accessibility. Consider students with dial-up connections.

- **Publicize campus services online.** Drexel mails and e-mails personalized invitations for a virtual tea orientation. The event is especially helpful to adults who haven't done online research or written papers in years. The dean gives a live welcome. IT staff explain software offerings and tech support. Officials from the writing center, disability services, student affairs and the library explain their services. “If your students don't know who to go to for support, you'll end up losing them,” Betts said.

- **Provide tutoring online.** Consider archiving it as a webinar for later use.

- **Invite online students to participate in on-campus events.** Distance learners often want to be involved in on-campus events, but think that's impossible. Drexel chose an online student to sing the national anthem at a basketball game, even though she'd never set foot on campus before. Some alumni who fly in only for big events can participate online for smaller events. Drexel's virtual wine and cheese event for alumni became a tradition.

- **Form technology partnerships.** Wimba and Adobe Connect are easy-to-use, collaborative software platforms, the presenters said. Find someone at your institution with the license or technology you need and ask them to share it. Ask IT for tech training via online video to save time. Collaborate to keep up with tech trends, research and surveys.

- **Try mobile apps.** A calendar app allows students to sign up for activities and receive notices about application and registration deadlines. Save on-campus event videos as MP4 files so students can download them to watch them later on smart phones.

- **Warn students about dangers.** Students often use technology to post their whereabouts. Educate them about stalking and other online dangers.

Contact Cooke at jec54@drexel.edu, Ruth at ruthda@drexel.edu, Kopp at rkopp@drexel.edu or Betts at kbetts@drexel.edu. ■

Build effective teams to overcome budget, staffing challenges

PHILADELPHIA — If you lack the funding or staff needed to expand student development programming on your campus, try building a team that draws from existing staff across departments.

That approach worked for Jennifer Gronsky, Thomas Jefferson University's student programs and leadership director in the Student Life Office. She reached out to Dayna Dunsmoor Levy, career development center director; and Jennifer Fogerty, academic development specialist. They invited others to form an interdisciplinary team to expand their student leadership development program.

Their 10-member group also draws from faculty, admissions, marketing/public relations, housing/residence life and the wellness center.

At the annual conference of NASPA: Student Affairs Administrators in Higher Education, Gronsky, Levy and Fogerty explained how building a similar team could help you expand campus programming or workshops. It might focus on academic support, the first-year experience, orientation or a career speaker series. To get started, follow these steps:

1. Select the team

- Decide which office will house and lead the team. At Thomas Jefferson, it's the Student Life Office.
- Determine your budget. Consider optional expenses, such as student give-aways, promotional materials and team awards dinners.
- Choose team members carefully. Filling spots with just anyone will lead to high turnover, poor fit and lack of contribution. And too many members will mean nothing gets done. Start with people you already have positive working relationships with and who understand student development. Marketing/PR can help provide promotional materials. Faculty can also play a key role. Seek diversity in skills, backgrounds, culture and perspectives.

2. Recruit team members

- Seek approval from potential team members' supervisors. Ensure supervisors support time commitment, responsibilities and challenges.
- Promote team member benefits. Professional development opportunities, including conferences, give them a chance to build specialized skills (e.g., public speaking and leadership) and knowledge they wouldn't otherwise get.

Some Thomas Jefferson team members received promotions partly due to skills they developed on the team. Emphasize opportunities for reciprocal collaborating between departments and units. You can serve on each other's teams and advisory boards and give presentations to students in a faculty member's

Be proactive regarding retention

After assembling an interdisciplinary team to promote student development, don't forget to address retaining team members. Help boost retention by:

✓ **Giving new members a role right away.** This will help them feel like valuable, contributing members and they'll take ownership.

✓ **Having seasoned members provide training.** Explain expectations and challenges. Encourage members to ask for help if they've taken on too much. Seasoned team members should also meet informally with new members to get to know each other.

✓ **Making attendance mandatory.** It's important for team members to attend, to participate, and to get invested. It builds a sense of pride. ■

class or to staff members in another office.

Highlight opportunities for student interaction. Student conduct officers, for example, will see students in a different light. Admissions staff will work with students beyond the point they usually do and receive appreciation from students and staff.

Depending on your budget, you might provide gifts, awards dinners or bonuses. You might even pay 5 percent of each team member's salary.

3. Plan team activities, materials

- Schedule an orientation. Consider a full-day orientation retreat, including a dinner, in early summer. Discuss learning outcomes, purpose, past semester's successes and necessary changes.
- Provide a team binder. Include schedules, logistical information, responsibilities and resources. For those joining late, add agendas and minutes of meetings they missed.
- Hold planning sessions in late summer and throughout the year. Base planning on the summer retreat discussions.

Be prepared for challenges once the team's work begins. Supervisors might call members away from a team responsibility to what they consider more pressing work. Some team members will do less work than others or think they can pick and choose what roles they'll accept. You might need to ask team members to resign.

The Thomas Jefferson team had high turnover during its five years. Some left due to promotions, others because they lacked passion for student development and/or didn't understand the time commitment involved.

Contact Gronsky at Jennifer.gronsky@jefferson.edu. ■

RESOURCES

New book examines students' spirituality

To gain a better understanding of how students develop values and convictions, check out *Cultivating the Spirit: How College Can Enhance Students' Inner Lives*.

The book includes a decade of data about the spiritual growth of college students and its effects on their achievement, well-being and personal growth.

Go to www.wiley.com and type the title in the search engine. ■

Prevent violence in LGBT community

College campuses haven't been the most welcoming place for lesbian, gay, bisexual and transgender students. That's according to a new Campus Pride study of more than 5,000 students, faculty members, staff members and administrators.

The study gives a sampling of institutions' efforts to address the issue as well as tips for preventing violence, harassment, fear and isolation among the LGBT community.

Go to www.higheredcenter.org/services/assistance/prevention-updates. ■

Program offers leadership training

The Student Leadership Challenge Program offers training to help administrators effectively teach leadership to students. You can choose from a self-paced foundation course, a certificate of completion, and a certified facilitator track that includes a two-day intensive in-person workshop.

For more information go to www.studentleadershipchallenge.com. ■

Encourage respectful behavior

When your team treats each other with respect, good staff members tend to stick around longer and your day-to-day operations run more smoothly. But what's the most effective way to promote respectful behavior?

"In the end, people don't respond to your technique. They respond to your values," said Jeffrey Buller, dean of the Honors College at Florida Atlantic University. He offered the following causes of uncollegial behavior and strategies for addressing it:

➤ **Self-image different from others' perception.** A staff member might feel unappreciated or have an inflated sense of self-worth. Help build up staffers with low self-esteem. If one has an inflated sense of self-worth, try to inflate others around him.

➤ **Lack of ownership or investment.** Build a team so staff members feel their contributions matter. Invest in your staff members by devoting part of your regular staff meetings to celebrating both individual and group achievements. Invite staff members to note others' and their own accomplishments.

➤ **Perception that uncollegiality is permitted.** Try new leadership strategies to stress the importance of civility.

➤ **Poor communication skills.** Follow Buller's tips for improving communication:

- ✓ View matters from the other person's perspective.
- ✓ Actively listen.
- ✓ Pay attention to words and nonverbal cues.
- ✓ Paraphrase what you hear others say. But don't do this every time because it can become annoying.
- ✓ Ask questions to clarify issues and provide focus. Begin

questions with "what" instead of "why." Wait for responses, allowing time for them to think.

✓ Direct attention toward behaviors and away from personality, character or traits.

✓ Thank people appropriately. Name the gift specifically and tell how you're going to use it.

✓ Use your resources. Put staff members' birthdays on your

electronic calendar a week in advance so you can send a card. Record the names of staff members' spouses and children. "Technology today is a wonderful way of making you sensitive," Buller said.

✓ Keep an open door. And conduct rounds so you see what staff members are doing.

✓ Apologize sincerely. Make sure your apology leads to a change in behavior and acknowledges responsibility, going beyond acknowledging consequences. Don't make excuses.

✓ Choose the best form of communication. E-mails lack nuance, and recipients might not read beyond the first few lines. Keep e-mail messages concise and focused on one topic. Phone calls include more nuances but you often need to leave messages. Keep messages short but not mysterious.

Face-to-face contact is nuanced, warm and personal. But it can be time-consuming and difficult to arrange. When you meet in the other person's space, you control when you leave. Set an end time for any discussion. You can say, "I've got seven minutes before my next appointment."

Jeffrey Buller is the author of Academic Leadership Day by Day: Small Steps That Lead to Great Success, published by John Wiley & Sons. Go to www.wiley.com. ■

MANAGING YOUR OFFICE

This feature provides you with the guidance you need to help you sharpen your office management skills.

Was university liable for violating student's constitutional rights?

Megan Krainski appealed the District Court's dismissal of her 42 U.S.C. § 1983 action against the University of Nevada, Las Vegas, and various university officials in their personal and official capacities. She alleged constitutional and state law violations arising from an altercation with her former roommate, Kenya Polee, which led to Krainski's arrest and university discipline.

Krainski and Polee were roommates in residential housing at UNLV. Polee was a student-athlete, listed on the university's website as "the top long jumper for the Rebels ... among the top long jumpers in the Mountain West Conference."

Krainski's problems began when she informed university officials that Polee was harassing and threatening her because she had previously complained about another student-athlete. The officials allegedly advised Polee of Krainski's complaint before she had an opportunity to file a formal grievance. As a result, Polee fabricated a story about Krainski attempting to attack her with a pair of scissors.

University officials reported the alleged attack to UNLV police who arrested Krainski without conducting an investigation. After a hearing, a notation was made on Krainski's transcripts about her alleged attack on Polee.

The District Court dismissed the claims against all the defendants on the bases of sovereign and qualified immunity.

Krainski v. State of Nevada ex. rel. Bd. of Regents of the Nevada System of Higher Education, on be-

half of University of Nevada, Las Vegas, et al., No. 08-17523 (9th Cir. 08/02/10).

Did the appeals court overturn the dismissal of Krainski's claims?

A. Yes. Sovereign immunity does not shield state universities from lawsuits in federal court alleging violation of a plaintiff's constitutional rights.

B. Yes. Employees of state universities aren't shielded by qualified immunity when they are sued in federal court for violations of a student's constitutional rights.

C. No. Because the university and its employees were acting on the information available at the time, they weren't liable for violating Krainski's rights.

D. No. The university was immune from suit under the 11th Amendment, which shields state agencies from suits by citizens for civil damages in federal court. The employees were shielded by qualified immunity because they didn't violate clearly established statutory or constitutional rights.

Correct answer: D.

The appeals court affirmed the District Court's order, holding that sovereign immunity shielded UNLV from civil suits by citizens in federal court.

Similarly, qualified immunity shielded the UNLV employees from Krainski's suit because their conduct didn't violate clearly established statutory or constitutional rights. The panel noted the UNLV police officers couldn't know Polee was lying when they arrested Krainski. ■

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SEXUAL HARASSMENT

Students sue after reporting harassment to student affairs dean

Case name: *Papelino, et al., v. Albany College of Pharmacy of Union University, et al.*, No. 09-4248-cv (2nd Cir. 01/24/11).

Ruling: The Second U.S. Circuit Court of Appeals affirmed in part and reversed in part the District Court's decision dismissing the plaintiffs' Title IX sexual harassment and retaliation claims against Albany College of Pharmacy of Union University.

LAW & CAMPUS

This regular feature keeps you informed about lawsuits affecting students and student affairs programs, services and staff.

What it means: To establish a *quid pro quo* sexual harassment claim under Title IX, a student must provide evidence demonstrating: (1) he rejected sexual advances; (2) a tangible school-related consequence occurred; and (3) a causal connection between the two events. In the education context, a tangible consequence occurs when some benefit or adverse action — such as a grade change — depends on providing sexual favors to someone in authority.

Summary: Daniel Papelino, Michael Yu and Carl Basile were pharmacy students, roommates, study partners and friends at the Albany College of Pharmacy of Union University in 1997. All three were

enrolled in a year-long medicinal chemistry course taught by Deanne Nowak.

Papelino alleged Nowak repeatedly flirted with him and insinuated sexual connotations in their interactions. He claimed Nowak threatened him with harm when he rejected her sexual advances. Papelino reported Nowak's sexual advances to the associate dean for student affairs in April 1998. The dean later told Papelino the situation had been resolved.

Nowak reported Papelino and Basile to the Student Honor Code Committee in May 1998, alleging they cheated in her course and in another class taught by her roommate. After a hearing in which Nowak presented "statistical" charts she had prepared based on the students' exams for various courses, the SHCC found Papelino guilty of cheating in three classes, Basile guilty of cheating in six classes, and Yu guilty of cheating in one class.

As a result, Papelino and Basile were expelled, and Yu was permitted to retake the one class.

After the students challenged the SHCC's decision in state court, the judge held the college's determinations were "arbitrary and capricious" and lacked a "rational basis." The college faculty voted to award Papelino and Basile their diplomas in May 2001.

The three students then filed suit in federal court alleging sexual discrimination and retaliation under Title IX.

After the District Court granted summary judgment to the defendants, the students appealed.

The Second Circuit reversed. The panel held that the students had established a *quid pro quo* sexual harassment claim under Title IX with evidence showing there had been a rejection of sexual advances, a tangible school-related consequence, and a causal connection between the events. The judge explained that in the education context, a tangible consequence occurs when some benefit or adverse action — such as a grade change — is made to depend upon providing sexual favors to someone in authority.

The Second Circuit also ruled the students presented sufficient evidence to establish a hostile education environment and retaliation claims under Title IX.

Accordingly, the case was remanded for further proceedings. ■

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If so, please contact:

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DISCRIMINATION

Court dismisses disgruntled coach's claim

Case name: *Moberly v. University of Cincinnati Clermont College, et al.*, No. C-1-08-569 (S.D. Ohio 08/31/10).

Ruling: The U.S. District Court, Southern District of Ohio dismissed Jason Moberly's employment discrimination claim against the University of Cincinnati, Clermont College.

What it means: A plaintiff alleging employment discrimination under Title VI must show he suffered an adverse employment action because he engaged in a protected activity.

Summary: In 2007, Moberly contacted the Clermont College head basketball coach about the assistant coach position. He wasn't interviewed because it was too late in the year to hire him. But he agreed to help with the team during the 2007–08 season.

He applied for the position the following year, but pursuant to university policy, Clermont also interviewed two other candidates. The coach was inclined to hire Moberly, but Clermont's director of student affairs — who oversaw intercollegiate athletics — chose another candidate as better qualified.

Moberly then contacted the university's director of Equal Opportunity, claiming he knew of alleged race

discrimination at Clermont toward members of the basketball team.

In the meantime, the chosen candidate disappeared after being informed of the need to undergo a pre-employment criminal records background check. Then Moberly accepted the position as an assistant basketball coach beginning October 2008.

Moberly filed suit against Clermont and several university officials because he wasn't their first choice. He claimed discrimination under Title VI, discrimination and retaliation under 42 U.S.C. § 1981, and retaliation for exercising free speech under 42 U.S.C. § 1983.

Ruling on Clermont's motion to dismiss, the court held Moberly didn't suffer a materially adverse action.

To succeed on a Title VI claim, a plaintiff must prove: (1) he engaged in activity protected under the act; (2) the protected conduct was known to the defendants; (3) the defendants took a materially adverse action against him; and (4) there was a causal connection between the protected activity and the materially adverse action.

Clermont's initial offer to another candidate wasn't an adverse action against Moberly, the judge explained. ■

CONDUCT CODE

Student returns to program after publishing placenta photos

Case name: *Byrnes v. Johnson County Community College, et al.*, No. 10-2690-EFM-DJW (D. Kan. 01/19/11).

Ruling: The U.S. District Court, District of Kansas granted Doyle Byrnes' motion for injunctive relief and ordered Johnson County Community College to readmit her to its nursing program.

What it means: Higher education institutions must have clear, published guidelines of student conduct codes so they provide a fair opportunity to be heard for individuals facing disciplinary proceedings for alleged violations.

Summary: Doyle Byrnes was dismissed from Johnson County Community College's nursing program because she posted photos of herself with a placenta on Facebook.

Byrnes and other nursing students obtained permission from their professor to photograph themselves examining a placenta during an obstetrics clinical experience. The professor consented to the request on the condition that the photos not have

any identifying marks.

Byrnes alleged they told the professor they planned to post the photos on Facebook. After the students posted the photos, they were dismissed from the program.

Byrnes filed suit, claiming the dismissal violated her due process rights. She sought injunctive relief in the form of an order readmitting her into the nursing school.

In granting the request, the court concluded Byrnes' dismissal was for disciplinary, instead of academic, reasons. Although higher education institutions have broad discretion regarding academic decisions, that doesn't apply to dismissals for disciplinary reasons, the judge explained.

Neither the defendant's *Nursing Student Code of Conduct* nor any other of the college's codes of conduct regulated student photography of classroom or clinical events, the court noted. They didn't prohibit the transmittal of photographs to others, including through social media such as Facebook. The students' "violation" wasn't of a published conduct code, but of a sense of propriety, the court noted. Such standards were unclear and unpublished, and it was unfair to require students to comply with them, the judge stated.

When the college — through its representative — granted permission to take the photos, it was unreasonable to assume they wouldn't be viewed, the court noted. The process afforded to Byrnes wasn't a fair and unbiased opportunity to fully present her case before a neutral arbitrator, the court stated. ■

CAMPUS SAFETY

Campus police officer shot at football game

Case name: *Vaughn v. City of Orlando, et al.*, No. 09-15315 (11th Cir. 02/07/11).

Ruling: The 11th U.S. Circuit Court of Appeals affirmed the District Court's dismissal of the plaintiff's Fourth Amendment claims against the city of Orlando, its police department and a police officer.

What it means: A police officer — including a campus security officer — is entitled to qualified immunity against claims of excessive force in violation of the Fourth Amendment if an objectively reasonable officer in the same situation could have believed the force used wasn't excessive.

Summary: The Citrus Bowl in Orlando, Fla., hosted a football game between the University of Central Florida and Marshall University. The University of Central Florida Police Department, the Division of Alcoholic Beverages and Tobacco, and the Orlando Police Department worked the game and surrounding parking lots.

The first two agencies had officers in plainclothes and in uniform. The OPD officers were uniformed and on bicycles. The agencies were concerned about fighting and rowdy crowds because at UCF's last

game, UCF fans allegedly beat the University of South Florida mascot. Officers patrolled for underage drinking, fighting and sexual assault.

Mario Jenkins, a UCF officer, patrolled Citrus Bowl parking lots in plainclothes, wearing a green shirt. Green is one of Marshall's school colors. He was attacked by a group of students after requesting identification from a young woman who appeared to be drinking. In the ensuing fracas, Jenkins ended up pointing a gun at someone's head and firing shots in the air.

Dennis Smith, an OPD officer, responded to a complaint that a man had a gun, and didn't recognize Jenkins as a police officer, so he shot him.

Jenkins' estate sued the city of Orlando, its police department and Smith, alleging excessive force under the Fourth Amendment.

The District Court granted summary judgment to the defendants on the basis of qualified immunity and the 11th Circuit affirmed.

The doctrine of qualified immunity shields government officials from liability for civil damages when their conduct didn't violate clearly established statutory or constitutional rights which a reasonable person would have known.

A law enforcement officer is entitled to qualified immunity if "an objectively reasonable officer in the same situation could have believed that the force used was not excessive," the appeals panel explained.

The facts — including the complaint about a man with a gun, sounds of multiple gunshots while Smith pedaled to the scene, and a man wearing a green shirt pointing a gun at another man — made Smith's use of deadly force objectively reasonable, the panel concluded. ■

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PATRICK DAY, VICE CHANCELLOR, STUDENT AFFAIRS, UNIVERSITY OF MASSACHUSETTS BOSTON

Successfully lead staff, students through major transitions

When the budget's tight, challenges seem to multiply as resources to solve them dwindle.

"Giving people the resources they need in order to move forward effectively in tight times," is a common challenge, said Patrick Day, vice chancellor for student affairs at University of Massachusetts Boston. He's had an 18-year career in student affairs. And it's not just about keeping or releasing personnel. It's about figuring out how you can help your staff grow and move them and the institution forward, even when the budget's tight and the student population and the institution as a whole are changing, Day said.



PATRICK DAY

He's leading his staff through a transition from a commuter to a residential campus, as the student population experiences significant growth and increased diversification.

If your institution is also changing, try these strategies that worked for Day:

➤ **Spend time with staff members.** Find out how they're doing and how their daily operations are going.

➤ **Identify standards.** Encourage staff members to compare themselves to benchmark standards and best practices.

➤ **Quickly expose and address deficits.** Consider resource enhancement or reallocation, creating new positions, hiring new staff, or helping staff transition to different roles.

➤ **Help students and faculty understand changes.** "Go to their space and talk about changes," Day said. Show them the advantage of doing something differently and the problem of continuing to do it the same way. "People begin to see why it makes sense," Day said.

At lunches and organization meetings Day tells students: "Let me talk to you about how we got here. It's not enough for you to be against or for something — it's important for you to understand why, and to own your agreement or disagreement and your solution. You have to come to the table with more than an opinion."

When the university made budget changes, Day invited students to the table and told them: "Take a look at the budget yourself. Here's the challenge. Here's the budget deficit." Then he asked for their recommendations.

"When you engage them and pull them in, they have great solutions. Students leave with an understanding of the issue. The students become ambassadors to other students about the budget process and how they can become involved. We get a much more thoughtful group of student leaders," he said.

At faculty meetings, Day addressed concerns about becoming a residential campus by explaining students are commuting longer than their counterparts and many already rent apartments. Then he listed urban institutions that successfully became residential.

Student Affairs staff members explain to faculty how they'll help them with students in distress. Student Affairs also shares critical conduct code revisions with faculty, asking what other areas need addressing. "It gives you an ear to things you might not have known about or considered," Day said.

To keep discussions and collaborations going, Day is launching a faculty advisory council. You'll find faculty more willing to serve on the council if you invite those with student affairs backgrounds, he said. The council could eventually lead to student affairs-sponsored field trips, faculty suggestions for speaker series, or a collaboration to offer a leadership minor, for example.

Contact Day at patrick.day@umb.edu. ■

WORD OF ADVICE

Beware assumptions when it comes to diversity

With a student population representing 130 countries and made up of 50 percent people of color, diversity issues are a complex equation on the University of Massachusetts Boston campus. That's why Patrick Day, vice chancellor for student affairs, strives to employ a staff that reflects the broad student diversity of nationality, language, race, ethnicity, gender and class.

Day also discusses with front-line staff and faculty the need to be careful about assumptions. "You might have two students that look racially different, but they're from an economic background that might be quite similar. Or, just because someone looks like you, you can't assume they speak the same language or have the same culture," he said.

Student Affairs provides brochures in multiple languages. It has also identified a number of staff members who can speak or read various languages for when the need arises. ■