

**CULVER**  

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**STOCKTON** COLLEGE

# CONDUCT PANEL TRAINING

Culver-Stockton College  
September 2023

# WELCOME & INTRODUCTIONS

# Objectives for today

- Your role and responsibility
- Student Rights
- Knowledge of Title IX Processes
- Academic Dishonesty
- Conduct Meeting Procedures
- Conduct Meeting Outcomes
- Case Study
- Wrap Up

# Why what you do is important

- Over 1,500 college students die each year from alcohol-related injuries (NIAAA)
- Approx. 696,000 students aged 18-24 report being assaulted by another student who had been drinking (NIAAA)
- 13% of all college students experience rape or sexual assault through physical force, violence, or incapacitation (RAINN)
- Of the various crimes reported in 2018, 43% were forcible sex offenses (NCES)
- More than 60% of college students freely admit to cheating (ICAI)

# Purpose

The purpose of the Student Conduct process is to provide:

- a fair and just resolution process
- due process for the student, which includes notice of the alleged violation(s) and an opportunity to be heard
- a student the opportunity to reflect on their behavior
- information for responsible decision-making and positive choices
- the student with a learning experience

# Conduct Panel's Role and Responsibility

- Reinforcing college expectations
- Participate, listen, and render judgment
- Assist students in identifying how choices impact themselves and others, taking responsibility for those choices, and making better choices in the future
- Decide Title IX complaints

<https://culver.edu/campus-life/student-handbook/>

# Rights of Students

- To be informed of complaint and specific violation
- To be granted a hearing to present witnesses and share their side
- To have an advisor to assist student in preparing for hearing
- Procedural fairness
- To appeal the panel or Dean's decision



# Confidentiality

What happens in hearing, stays in hearing..

# Process

- Who is called?
- What are you called to hear?
- How often will you meet?
- How long will a meeting take?
- Who runs the conduct meeting?
- Who comes to the conduct meeting?
  - Responding party and witnesses (sometimes); complainant comes if Title IX
  - 3 Committee members
  - Conduct meetings – Dean of Students will facilitate
  - Title IX meetings – Dean of Students and Title IX Coordinator (Caitlin Erickson) will be there (sometimes both)
  - Academic Dishonesty – Dr. Kim Gaither will facilitate

# Differences Between Student Conduct and Criminal Law

## Criminal Law

## Student Conduct Process

Process is punitive in its nature	Process is designed to be educational
Most severe penalties can include the loss of liberty or life (loss of rights)	Most severe sanction is removal from the academic community (loss of privilege)
Federal rules of evidence apply to information being considered	All reasonable information is considered
Guilt must be established "beyond a reasonable doubt" (must be proven by the prosecution's evidence)	Responsibility established by "preponderance of the evidence" (meaning more likely than not)
Lawyers represent clients in the process	Lawyers (or another chosen party) can advise the students, not represent them. Faculty or staff can serve as advisers in the hearing

# Conflict of Interest

- Dual Relationships: friendships, intimate relationships -past or present, academic advisee, student in class, student you advise in an organization, work-study students, etc.
- Personal Conflict: similar experience for you or someone you are close to, difficulty separating emotions/decision making, too close and personally involved, you have outside information.

# Types of Cases

- Alcohol
- Marijuana
- Assault
- Discriminatory language
- Weapons
- Title IX
- Repeat offenders

# Title IX Violations

Culver-Stockton College (the "College") is committed to providing an environment free of discrimination and administers its academic programs and extracurricular programs without regard to race, color, creed or religion, gender, marital status, national origin, military status, disability, age, or any other characteristic protected by law. Title IX requires all higher education institutions that receive federal financial assistance not to discriminate on the basis of sex in our educational programs. In keeping with that commitment, the College maintains a strict policy prohibiting unlawful harassment, sexual misconduct, dating violence, and stalking or otherwise. Any inquiries concerning Title IX can be addressed to the Title IX Coordinator or to the United States Department of Education Office for Civil Rights (OCR).

# Title IX Team

- Caitlin Erickson, Title IX Coordinator, (573) 288-6453, [cerickson@culver.edu](mailto:cerickson@culver.edu)
- Dr. Alissa Burger, Deputy Title IX Coordinator, (573) 288-6350, [aburger@culver.edu](mailto:aburger@culver.edu)
- Pat Atwell, Deputy Title IX Coordinator, (573) 288-6424, [patwell@culver.edu](mailto:patwell@culver.edu)
- Amy Baker, Deputy Title IX Coordinator, (573) 288-6493, [abaker@culver.edu](mailto:abaker@culver.edu)
- WG Lewis, Title IX Investigator, (573) 288-6300, [wlewis@culver.edu](mailto:wlewis@culver.edu)
- Brian Walker, Title IX Hearing Officer, (573) 288-6334, [bwalker@culver.edu](mailto:bwalker@culver.edu)

# Conduct Prohibited

- Sex-based harassment
  - Sexual and/or gender-based harassment
  - severe, pervasive, and objectively offensive
  - quid pro quo
- Unwelcome conduct
- Hostile environment
- Sexual exploitation
- Stalking
- Intimate partner violence
- Retaliation
- Sexual Assault



# Sexual Assault Definition

“Sexual assault” is actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s consent; or
- Other intentional sexual contact with another person without that person’s consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

# Sexual Consent

- To actively and willingly participate in any given sexual activity, without coercion or force
- Consent can be withdrawn at any time.
- If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.
- No Consent = Sexual Assault

# Incapacitation

- What does it look like
  - Slurred speech
  - Falling
  - Blacking out
  - Throwing Up
  - Trouble walking
  - Weird Behavior
- Did Respondent give Complainant alcohol?
- What if both are incapacitated?

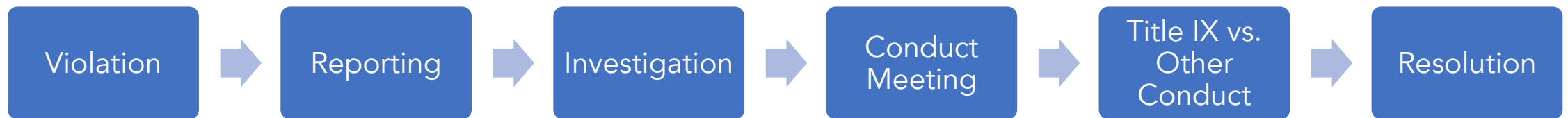
# How to Get Consent

- “Can I kiss you?”
- “Do you want to have sex?”
- “Is it ok if I \_\_\_\_\_ your \_\_\_\_\_?”
- “How far are you comfortable going?”
- “Will you tell me when you are ready to stop?”
- “You got quiet. Are you still ok doing this?”

# You Don't Have Consent If...

- If he/she says "NO" or you don't ask
- Either person is drunk/high
- You are forcing the other person
  - Physically
  - Emotionally
- Other person is:
  - Not responding to your touch
  - Pushing you away
  - Holding their arms tightly around their bodies
  - Turning away from you or hiding their face
  - Stiffening muscles

# Title IX Reporting Structure and Documentation



# The Actual Conduct Meeting

What happens and what should I be looking for?

# Process

- Begins with examination of reports
- After reading the report, you should:
  - Have a good understanding of the incident
  - Be aware of possible Title IX policy violations
  - Understanding the report before questioning allows:
    - Comparison of what you're hearing vs. what's documented
    - Determine the "weak" areas of documentation



# Process (cont...)

- Affirming student understands rights
- Student needs to hear these before beginning questioning:
  - The goal of this process
    - To see if a violation has occurred in order to create a safe environment on campus
  - Opportunity to share their perspective
  - They may ask questions at any point

# Process (cont...)

- Reading of Campus Safety or other constituent's report of alleged situation
- Questions by conduct panel and/or advisor in Title IX
- Ends with a decision (your vote is confidential)
- Flowchart designed to help you navigate through all the processes in-between

[STUDENT JUDICIAL COUNCIL HEARING RUBRIC]

Facts:

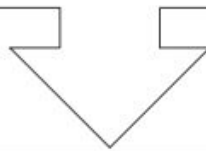
Possible violations:

Notes:

Makes sense:

Doesn't add up:

Questions:



Possible outcomes:

# Student in Question

- While student is describing their “side of the story”:
  - Things may not “line up” perfectly
  - Look for themes
  - Note critical differences
  - Do not interrupt, if at all possible
  - Check your posture/expressions/body language

## Open-Ended Questions

- Seek to gather information to better understand incident.
- Cannot be answered with a few words. Produce richest answers.
- Often begin with a "how," "why," "what," or "could."
- *Examples:*  
*Could you tell us more about the state of your residence hall that night?*  
*How did you become involved in the fight?*

## Closed Questions

- Produce short answers and are useful to determine specific details (date, time, etc.)
- Appropriate if open-ended question is being avoided.
- Often begin with "Is," "Were," "Do."
- *Examples:*  
*Did you attend the event?*  
*Is there anyone else that witnessed the incident?*

## Probes

- Further elaborate on information already discussed.
- Serve as a way to "deep dive" into information for better understanding.
- Can be a statement that elicits a response and/or a direct question.
- *Examples:*  
*Help us to understand X.*  
*How were you able to get into her room?*

# Student in Question Interview

- Conduct Panel may question after student has described their involvement
- Make sure you know who, what, when, where, and why
  - Remember...
    - "Rapid Fire" questions will make the student feel attacked
    - Use a calm, non-accusatory tone when questioning
    - Don't ask "trick" questions
    - Allow the student to answer thoroughly
- Not there to shame, but to help them identify bad choices and to correct them
- Only ask relevant questions
- Keep questions short
- In Title IX, after conduct panel questions, then the advisor can question

# Sample Clarifying Questions to Ask...

- Why did you feel you had to (do x) in this situation?
- You said earlier that you received consent from the other student, but the report we read says that you did not know if you received consent or not. Could you clarify?
- The report indicates that your speech was slurred and that you were stumbling as you walked down the hallway. Were you drinking? How much?

# Restorative Questions to Ask...

- How do you feel about the incident now, after a week has gone by?
- What effect did your actions (or behavior) have on others? On the community? On yourself?
- Explain what you hoped to accomplish through your actions.
- How does this decision help you accomplish your goals?
- Who is responsible for your behavior?
- Who was affected by your actions?
- What other options were there for you in this situation?
- What was the purpose of your behavior?
- How would you feel if others were engaged in similar behavior?
- If you could do something differently that night/day, what would it be?
- How might you react if such this situation were to come up again?



# Witnesses

- Each party (reporting and responding) may have witnesses they want you to talk to.
- Do fact checking with witnesses
- Let them tell what they saw or heard. Telling you something from a second or third source is not a witness.

# Ending the Interview

- Give student an opportunity to share their perspective on what should happen.
- Give student an opportunity to make any final remarks.
- Dismiss the student and advisor.

# Weighing Information

- All information not equivalent in value.
  - One person's word vs. another: give more weight to unbiased person
  - I didn't know...

# Deliberations

- Hold off on making any decisions until all information has been presented.
- Council members should discuss whether they believe the student in question MORE LIKELY THAN NOT has violated a policy.
- Title IX cases
  - If the council does not believe a violation has occurred, the Dean of Student Life will communicate this with the students in writing.
  - If the council believes a violation has occurred, the Dean of Students will then consider possible sanctions. This will also be communicated to the students.
- Non Title IX cases
  - If the council believes a violation MORE LIKELY THAN NOT has occurred, the Dean of Students will ask the council for recommendations on sanctions.

# Sanctions

- Warning
- Fine
- Restitution
- Educational programming
- Community service
- Disciplinary probation
- Revocation of privileges
- Probation
- Deferred suspension
- Interim suspension
- Suspension
- Expulsion
- Dismissal

# Appeal Process

- Student has 3 business days to submit statement of appeal
- Appeals committee convene to review documents
  - 3 faculty, 2 staff, 2 students
- If Title IX, both parties can appeal

# Being an Effective Panel Member

- Listen
- Look for non-verbal cues
- Clarification
- Be thorough
- Keep it flowing
- Note-taking
- Show care and respect
- Stay engaged
- Maintain composure
- Be prepared

# Case Study

1230 Hours: On Monday September 4, 2023 I, Safety Officer Butch Worden was approached in the Campus Safety Office by an RA (name included) informing me the Johnson Hall elevator ceiling tiles had been broken. The RA stated Student A had informed him that she had seen a video posted by student B with student C jumping up and breaking the tiles. The RA informed me he had generated a help desk on the broken tiles. I thanked him and he left the Safety Office.

1235 Hours: I contacted Student A and requested she meet with me in the Safety Office and she agreed. Student A entered the office and I asked her to write what she had seen. Below is her written statement;

I received a message from a friend to come see a video. The video clearly shows Student B and Student C breaking the tiles in the elevator. I told my friends to show the video to security but they refused stating they would not snitch on their friends. I thanked Student A for coming forward with this information and she stated she did not want to get charged with someone else's damage.

I attempted to contact Student B and Student C by phone and got no response. At this time Safety Officer Bill Wells came on duty and we went to Johnson Hall where the suspects reside. Wells and I checked their rooms but neither suspect was there. Wells and I were informed that Student B and Student C are at baseball practice. We proceeded to the baseball field and were able to make contact with both parties and they both admitted to breaking the tiles. They were informed Student Life would be contacting them in the near future.



# Wrap Up

- Questions?

Thank you!

We appreciate your time and service to the  
Conduct Panel!