

# Student Affairs Today

Best Practices and Strategies for Student Affairs Professionals

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## COVER STORY

### Ensure successful collaborations across campus units

To ensure smooth daily operations as well as long-term success, student affairs needs to collaborate beyond just academic affairs. Students and staff members reap the benefits when an entire campus works together.

You can have a significant impact by expanding student affairs collaboration efforts to reach campus units such as safety/security, housekeeping, athletics, service learning and campus ministry. But how can you work together when there are so many obstacles that stand in your path?

Because collaboration has its challenges, yet plays a critical role in the success of students and staff members on your campus, we gathered practical advice and proven strategies from *Student Affairs Today* Advisory Board members. **Full story, see pages 4–5.**

#### See tips

Get some bottom-line advice on how to collaborate across campus. **See page 5.**

## HIGHLIGHTS

### Know when to discipline students for online speech

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### Improve planning, performance via unit assessment

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THE NEWSLETTER  
ON NEWSLETTERS  
2011 Winner  
Best Individual  
Profile



## BRIEFS

## Yale didn't protect women, lawsuit says

Communicating that your institution is doing everything it can to keep people safe can help prevent a scenario like the one at Yale University.

The family of Annie Le, the Yale student-worker killed at a campus research facility two years ago by a co-worker, filed a wrongful death lawsuit against the institution.

It alleges university officials failed to protect women from harassment, tolerated aggressive behavior by men, and imposed insufficient discipline on offenders. It also accuses administrators of moving slowly in responding to concerns that Le was missing. ■

## Campus neighbors request more policing

Colleges can become good neighbors by monitoring parties on and off campus. But sometimes comprehensive efforts are required.

For example, the University of Colorado at Boulder won acclaim for creating a registered party system giving campus police a heads-up about parties and advised hosts how to avoid noise complaints. Yet neighbors recently asked officials to provide more

policing around campus after a party spilled into the streets. ■

## Encourage students to edit social media

Encouraging prospective law students to edit their social media pages now could greatly improve their chances of being accepted into law school.

According to a Kaplan Test Prep poll, about 40 percent of law school admissions officers research applicants on the Web and social networking sites. And 32 percent of those officials discovered something online that hurt an applicant's admission chances, reports

*The National Law Journal.* ■

## Warn students about 'sugar daddies'

Students struggling to pay tuition, credit card and student loan bills in this difficult economy sometimes resort to such sites as *SeekingArrangement.com*.

The sites link students to wealthy older suitors, or "sugar daddies," to help them pay off debt or fund their education, usually in exchange for sex.

Warn students about the dangers of such sites, pointing them to safer solutions to their financial problems. ■

## ASSESSMENT ADVICE

### Study programming impact on retention

**Q** What areas of student affairs can we assess in hopes of demonstrating our positive impact on student retention and success?

**A** Explore how the first-year experience program contributes to retention. Also, find out if living in residence halls or participating in learning communities improves students' chances of graduation.

Adapted from *Assessment Methods for Student Affairs* by John H. Schuh and Associates, published by Jossey-Bass, an imprint of Wiley. To order, go to [www.wiley.com](http://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? Email the editor at [cmccarthy@wiley.com](mailto:cmccarthy@wiley.com). ■

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## Know when to discipline students for the online speech

The Department of Education's new tough stance on harassment and bullying via a "Dear Colleague Letter" leaves public colleges and universities between the proverbial rock and a hard place.

The ED mandates a prompt and appropriate response to conduct that can be construed as harassment, including online postings. But several recent judicial decisions have struck down public schools' attempts to discipline students for their Internet speech.

The courts have stated that students' off-campus online speech, such as on Facebook, MySpace or instant messaging, may be protected under the First Amendment. So how can you comply with the ED's guidance while avoiding a civil rights lawsuit?

"We must distinguish between language and behavior," said attorney Sandra Schuster, a partner with the National Center for Higher Education Risk Management. "Harassing actions or speech must rise to the level of being so severe or pervasive as to deny the person the benefits of the education," she said.

Schuster's guidelines can help student affairs professionals at public institutions determine when a student can be disciplined for off-campus speech. When faced with a specific situation, consider the following:

➤ **Did the speech target a student?** The speech at issue in recent judicial decisions mostly targeted school officials, Schuster said. "But if it had targeted another student, the decision may have been different," she said.

➤ **Was college equipment used to make the online posting?** When students use a college computer or network to make the offensive postings, the institution can enforce its equipment-use policy, instead of addressing the actual speech.

➤ **Did the speech include a specific threat?** The Eighth Circuit, in *D.J.M. v. Hannibal Public School District #60*, Nos. 10-1428, 10-1579 (08/01/11), held that a public school properly suspended a student who expressed his desire to kill several students in an afterschool instant messaging conversation with a friend. The statements constituted a "true threat," so they weren't protected speech, the panel stated.

➤ **Did the speech express an opinion?** "When there is no threat, but an opinion, the question is whether it meets the standard of being severe, pervasive and objectively offensive," Schuster said. "One message versus 35 people telling one student that she's a slut—at this point it becomes pervasive and objectively offensive."

➤ **Did the speech create, or have the potential for creating, a substantial distraction in the academic environment?** Apply this label sparingly because it's a stringent standard, Schuster said. Courts have stated that a school official's gut feeling, rescheduled classes or meetings, or gossiping in the hallways do not meet the standard. "Institutions should not go trolling for this information," she said. But if someone—even if it's not the victim—reports the conduct, the institution should take some sort of action, she said. "If later something happens, OCR would take issue if the school didn't do anything about it," she said.

The "Dear Colleague Letter" sent a clear message, and OCR is conducting compliance reviews, Schuster said. "It is paying attention to newspaper reports and Internet postings," she said. Heed the warning by having policies and procedures that promptly and effectively address harassment complaints.

Contact Sandra Schuster at [sandra@ncherm.org](mailto:sandra@ncherm.org). ■

### Take a closer look at recent free-speech cases

Review these recent federal court decisions on disciplining students for off-campus speech:

- *J.S., et al. v. Blue Mountain School District, et al.*, No. 08-4138 (3d Cir. 06/13/11). Suspending a student for posting a page on MySpace making fun of her school principal violated her free speech rights, the Third Circuit held.

- *Layshock, et al. v. Hermitage School District, et al.*, No. 07-4465 (3d Cir. 07/13/11). Disciplining a student for a MySpace posting created on his computer, even if it included a photo copied from the school's website, was a First Amendment violation, the Third Circuit concluded.

- *T.V., et al. v. Smith-Green Community School Corporation, et al.*, No. 1:09-CV-290-PPS (N.D. Ind. 08/10/11). A school violated a student's free speech rights when it banned her from extracurricular activities because of photos she posted on the Internet, the court held.

- *D.J.M., et al. v. Hannibal Public School District #60, et al.*, Nos. 10-1428, 10-1579 (8th Cir. 08/01/11). The court upheld a student's suspension because during an off-campus instant messaging conversation, he said he would "get a gun" and kill several schoolmates. The statements constituted a "true threat," the court stated. ■

## Develop cross-campus relationships to encourage successful collaboration

Smooth day-to-day operations depend on how effectively student affairs works with other campus units and divisions. And if you want to collaborate with departments that don't report to student affairs, the working relationship becomes even more complicated and challenging.

To partner effectively with other campus units, you'll need open lines of communication and relationships built on trust, according to members of our *Student Affairs Today* Advisory Board.



JEANNE ORTIZ

"Collaboration has to be the name of the game because none of us has enough resources to do anything without working with other departments across campus," said Jeanne Ortiz, vice president and dean of students, Whittier College.

Douglas R. Pearson, vice president and dean of students, Mercer University, agreed. "One of the best tips for people is building that rapport and trust," he said.

Wondering where to start your collaborative efforts? "Zero in on whatever's not working well," said Shannon Ellis, VP for student services.



DOUGLAS R. PEARSON

Regardless of whom you want to collaborate with, show your appreciation to build rapport, Pearson said. Small end-of-year gifts also work, he noted. "It means a lot and helps a lot in the future," he said. If the budget's too tight, then just choose one department to give to each year, he suggested.

Modeling positive relationships with the senior leadership of other departments builds a culture of collaboration. Your example of trust and respect sets the tone throughout the organization, said Lori Reesor, VP for student affairs, University of North Dakota. "I make sure my staff members know I have regular meetings with the provost and other VPs. Stress joint partnership in decision-making. They can see it and can tell when those individuals are in the same room that there's collaboration. If you're going back and bad mouthing your counterparts, they see that too," she noted.

Ellis agreed. "Using the word 'we' is so critical. Think and talk 'we' because no one does this alone."

### Campus safety/security

Mercer's police department and crisis response team work collaboratively via an informal relationship, Pearson said. Student affairs and campus safety should talk to each other on a regular basis, he said. Besides sharing daily reports, make time to take campus safety walks together, he advised.

Florida International University recently hired a new police chief and moved its public safety department out from under student affairs, said Larry W. Lunsford, associate vice president for student affairs and university ombudsman. So the police chief no longer attends monthly student affairs meetings. "It creates a nightmare in getting reports," Lunsford said.



LARRY W. LUNSFORD

When campus safety doesn't report to student affairs, make deliberate efforts to collaborate, share information, and build an "excellent working relationship," he said. Regular and specially called meetings can accomplish that.

Emphasize the importance of quickly providing student affairs and judicial officers with student arrest reports, especially for assaults or drug violations involving residential students, Lunsford said.

Ellis said she works very closely with the police chief at her university, even though he's not in student affairs. They review reports and share information with key staff members at weekly team meetings, she added.

### Facilities/housekeeping

Collaborating with facilities/housekeeping staff can prevent frustration, Ortiz said. "There's really a need for constant communication about what's coming up," she said. Student affairs stays in contact with them regarding graduation, homecoming, orientation, and the opening and closing of residence halls.

To foster collaboration, Ortiz and her staff "buy them food and go out of our way to acknowledge and thank them, particularly the housekeepers, who are in the trenches," she said. A custodial recognition day includes gifts and breakfast.

To keep track of what needs to be done and when, hold regular meetings with facilities/housekeeping supervisors, invite them to housing meetings, and keep a calendar system with all facilities clearly identified, Reesor and Ortiz suggested.

### Athletics

To encourage collaboration with athletics, try not to schedule intramural events at the same time as a big game, Pearson advised.

And clearly communicate with athletic directors and coaches the mandatory parts of orientation so they don't schedule any practices at the same time, Ortiz said. Remind them that enforcing rules would be much more difficult than simply collaborating, she noted.

NCAA-mandated educational programming on hazing and other topics creates another collaboration opportunity, Pearson noted. Student affairs can include student-athletes in the hazing prevention programs they're already planning for Greek organizations. Athletics directors appreciate student affairs taking over program planning tasks, Pearson noted. And athletics can help fund the programs and get student-athletes to attend, Pearson said.

You can also collaborate on applying for grants, Ortiz said.

### Campus ministry, service learning

Lack of collaboration between departments can lead to unnecessary conflict and duplication of efforts, Pearson noted. When various departments at Mercer found themselves saying, "We wish we knew you were doing that, too," academics, service learning, campus ministry and campus life developed a two-year theme on which to build collaborative efforts. So instead of bringing in mediocre speakers, they now partner to bring in major ones.

Their "rebuilding democracy" theme ties together service-learning projects, political groups and voter registration with civic responsibility and civil dialogue about such issues as race and politics.

"It's a great way to collaborate on a macro level and have it trickle down," Pearson said. Banners promote the theme, which is also tied into classes. "We've seen a lot of collaboration at a higher level than ever before," he said. Departments pool financial resources and planning efforts. For example, campus ministry hosted discussions between Muslim, Jewish and Christian populations about religion and service. An evaluation component will study the student impact of that partnership.

Service learning is often embedded in student groups and classes. But student affairs might miss out on opportunities to collaborate in this area, Ellis and Reesor said. "A really good effort means it's campuswide and not just tucked away in



SHANNON ELLIS

some part of campus. And everybody gets why it's important," Ellis said.

Reesor also suggested collaborating with "affiliates," e.g., campus ministers, house directors, and others who have access to hundreds of students. However, because affiliates are not official university employees, work with HR to include them in appropriate communications and crisis alerts, she said.

Hold an in-person meeting or training session once per semester or year with all your house directors, and another with all campus ministers. Share concerns, encourage networking and support, explain expectations, and provide information and access regarding resources.

"It's important in terms of crises and the connections they [affiliates] have with students. They need to know our staff and resources so we can partner with them to care for students," Reesor said. ■



LORI REESOR

### The bottom line: Build a culture of collaboration

To ensure successful collaboration with other units on your campus, follow these practical tips from our *Student Affairs Today* Advisory Board:

- ✓ **Show your appreciation.** Say thank you, give gifts, provide food and hold annual recognition days.
- ✓ **Model collaboration.** Show staff members how to collaborate through your example of trust and respect with top leadership of other departments.
- ✓ **Change your thinking.** Approach things from a "we" perspective.
- ✓ **Meet regularly.** Invite supervisors of other departments to attend applicable staff meetings. Hold training sessions for them as well.
- ✓ **Share calendars.** Develop a system to prevent scheduling conflicts and duplication of efforts.
- ✓ **Offer to plan programs.** See if you can include student-athletes or others in programs you're already planning.
- ✓ **Pool funds.** Combine financial resources to bring in higher-quality speakers. Consider applying for grants together.
- ✓ **Encourage communication.** Find ways to include other departments, and even affiliates, in crisis alerts and emergency-related communications.
- ✓ **Explain resources.** Make sure everyone knows the resources available, especially in case of a student emergency or campus crisis. ■

## Improve planning, performance by assessing your unit

Assessing your student affairs unit can help you determine if you're fulfilling your mission. The resulting data can help you advocate for much-needed resources and help you and other officials make critical decisions.

That's according to Ann Boudinot-Amin, director of planning and assessment at the American University in Cairo. She spoke at the Society for College and University Planning Annual International Conference.

You might use your assessment data to say, "We need more staff because we can't meet targets for these reasons," she said.

Boudinot-Amin recommends student affairs officials start by designing an effective assessment plan that is:

- ✓ **Useful.** Aim to help administrators and staff members make appropriate decisions.
- ✓ **Cost-effective.** Keep it simple and focus on three to five goals or ideas your unit must get right to achieve its mission.
- ✓ **Reasonably accurate and truthful.** Results should come from multiple measures.
- ✓ **Planned.** Link the assessment to institutional goals and plans.
- ✓ **Organized, systematized and sustained.** Make the assessment process part of the fabric of how your unit operates.

After you've developed your plan, follow Boudinot-Amin's steps for an effective assessment process:

- 1. Write or review your mission statement.** In three sentences or less, explain what your unit does, why it exists, and how your unit helps achieve the university's mission.
- 2. Develop three to five outcomes.** Make specific statements about what should occur as a result of the

core services your unit provides. Outcomes are different from annual operating objectives. They focus on the ends rather than the means. For example, Boudinot-Amin's assessment unit's objective is to provide administrators with effective tools for assessment. For each of your functional responsibilities, identify at least one outcome. Start your outcome statements with a focus on the beneficiary of your service or function. For example, the outcome could begin "Students are aware of..." or "Administrators have the..."

**3. Determine at least two ways of measuring whether you achieved each outcome.** Include at least one direct measurement, such as a statistic or report, and one indirect measurement, such as a survey or focus group.

Other measurement methods include tracking the number of errors or complaints, counting training sessions offered and attendees, categorizing participant feedback, reviewing customer satisfaction forms, completing duties in a certain amount of time and requesting peer studies.

Choose simple, easy-to-implement methods providing accurate, meaningful information.

**4. Set targets for each outcome.** Setting an accurate target is more difficult in the first year of assessment than later years.

**5. Consider how and when to collect the assessment data.** Build the data collection into your unit's work schedule.

**6. Decide how to use the results.** Determine how the results can help with planning, improving performance and making decisions.

For more, contact Ann Boudinot-Amin at [annbamin@aucegypt.edu](mailto:annbamin@aucegypt.edu). For assessment resources, including templates, guides and plans, visit [www.aucegypt.edu/research/IR/assess/Pages/default.aspx](http://www.aucegypt.edu/research/IR/assess/Pages/default.aspx). ■

### Follow assessment template

Assessing your unit can seem like a daunting task. But a template can help you organize assessment planning. Try following the one used by Ann Boudinot-Amin, director of planning and assessment at the American University in Cairo.

Her template follows a landscape format on copy paper. Across the top, list the unit name, the assessment coordinator for the unit, the date, the coordinator's contact information, and the unit's mission statement.

Label each of the five columns with a description of what will go in it, as follows:

- **Expected outcomes.** Make a row for each expected outcome, preferably three to five, but no more

than 10. What does your unit want to achieve? What are your desired end results for the organization or program?

- **Assessment methods/measures.** What factors, variables or elements will you measure to gauge your success in reaching your expected outcome?

- **Target levels/benchmarks.** What is the minimum result, target, benchmark or value that will represent success at achieving this outcome?

- **Schedule for conducting and reviewing assessment.** How and when will you collect and analyze the results?

- **Use of results.** How will results be used for planning, improvements and decision-making? ■

## RESOURCES

## Free program teaches money management

You can help students learn to manage their money, including debt.

Just tell them about a free, interactive computer program developed by Drake University in Iowa.

Likened to a financial version of *alcohol.edu*, or a video game, the program's levels start with budgeting and credit cards, moving up to fraud and tax returns.

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

## Website helps students with allergies

Students with food allergies have concerns about where they can safely dine out.

AllergyEats, a website, can help them find allergy-friendly restaurants on or near their campus.

The free site offers peer-based feedback about how more than 600,000 restaurants accommodate the needs of food-allergic and gluten-intolerant diners.

Access the site at [www.allergyeats.com](http://www.allergyeats.com). ■

## Winning video may provide ideas

If you're planning to shoot a video to promote athletics or other programs at your institution, check out a video tribute to the University of Michigan's stadium.

"Timeless" was recently named the best college athletics promotion or marketing campaign and college sports video of the year at the College Sports Media Awards.

The video just might give you ideas for your own video.

To view the video go to [www.mgoblue.com/allaccess/?media=212933](http://www.mgoblue.com/allaccess/?media=212933). ■

## Develop staff members' skills

Most leaders know talent development is a proven driver of high-performance organizations, yet they don't engage in it because they're too focused on the bottom line, according to Wendy Axelrod and Jeannie Coyle, managing partners of Talent Savvy Manager. They're also co-authors of *Make Talent Your Business: How Exceptional Managers Develop People While Getting Results*.

If you're more focused on supporting programs than developing staff, you might miss out on skills and talents that could enhance your unit's bottom line. Axelrod and Coyle uncovered how "exceptional development managers" influence staffers' abilities to handle sensitive client interfaces, influence others to accept change, and lead project teams — all skills that would serve your student affairs unit well. Follow their tips:

➤ **Make every day a development day.** Use "stretch" work with continuous, daily support to help staff members develop more and get better results. Give staffers the latitude and explicit requirement to learn. Choose the right new experiences to tuck into their usual work. Remain close by to seize developmental moments. Ask thoughtful questions and provide on-the-spot observations to help them think differently. Shape assignments in team projects to allow for peer coaching while insisting the team make progress in results and learning.

➤ **Tap the psychological side of development.** Create a trusting relationship that makes it safe for employees to hear and act on feedback, take risks, and

become more aware of what drives them and their impact on others. Hear and act on the truth about yourself as others see it so they will also look at their own emotions and behavior during very difficult situations.

➤ **Connect staff with development partners.** Clearly identify skills they need to learn, so they can narrow the search for willing, capable partners. Provide specific guidance for structuring the relationship for mutual satisfaction and best learning. Help staffers make sense of and apply what they have learned.

➤ **Teach skills to navigate organization politics.** Spot staffers who don't understand that politics is about the power to positively make things happen. Help them find ways to embrace the importance of building politically smart approaches, planning and rehearsing how they'll handle complex situations.

➤ **Shape your environment to drive development.** Make development an ongoing expectation for all. Conduct after-action reviews and ask questions to spur next steps to make learning stick. Tout how the development made new accomplishments possible. Defend taking the time for development to the campus community in the face of pressures for short-term results.

*This article was adapted from one authored by Wendy Axelrod and Jeannie Coyle that appeared in Vol. 62, fall 2011 Leader to Leader, a Jossey-Bass publication. For information about the journal, go to [www.wiley.com](http://www.wiley.com) and input "Leader to Leader 2011" into the search box at the top of the page. ■*

### MANAGING YOUR OFFICE

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

## Were professor's comments to student sexual harassment?

Samuel Milligan was a freshman at Southern Illinois University when he was hired as a student-worker in the chemistry department's stockrooms. He worked across the hall from Cal Meyers, a 79-year-old emeritus professor who was no longer employed by SIU. Meyers was director of a research institute founded with a \$2.5 million donation he made to SIU.

Milligan alleged Meyers harassed him by making comments about his long hair and telling him he'd make a very sexy lady. Milligan claimed that when he reported the incidents to his supervisors, they didn't comply with SIU's sexual harassment policy. Instead, they tried to discourage him from filing a formal complaint against Meyers and transferred him to a different department.

The record showed that although SIU officials initially were reluctant to sanction Meyers for his actions, they later banned him from campus.

Sometime during Milligan's freshman year, he missed work on several occasions, prompting his supervisor to assign his hours to other student-employees. Finally, Milligan's supervisor told him that he didn't have work for Meyers the following semester.

As a result, Milligan filed suit against SIU, alleging sexual harassment under Title IX, among other things.

SIU argued Milligan couldn't show Meyers' harassment was based on his gender because Meyers harassed women and men equally. Milligan alleged Meyers' conduct resulted from Milligan's failure to satisfy male sexual stereotypes.

*Milligan v. Board of Trustees, Southern Illinois University, No. 09-cv-320-JPG-CJP (S.D. Ill. 06/30/10).*

### Did the court find Meyers' conduct was sexual harassment?

**A. Yes.** The professor subjected Milligan to sexual harassment based on his perception that the student's appearance didn't correspond to the generally accepted stereotypes for his gender.

**B. Yes.** The professor subjected Milligan to sexual harassment by making comments and advances because he believed the student was homosexual.

**C. No.** The professor's conduct didn't meet the threshold for sexual harassment because it merely overstepped personal boundaries and denoted an interest in Milligan's hair and his own desire to meet a woman who had similar hair.

**D. No.** The professor's conduct didn't amount to sexual harassment because it could be attributed to different perceptions of personal grooming inherent to the generational gap between the professor and the student.

Correct answer: C.

In dismissing Milligan's sexual harassment claims, the judge held that his evidence showed only that Meyers had "an unusual fascination with Milligan's hair, a desire to meet a woman with such hair, and a failure to observe personal boundaries." Meyers' acts weren't evidence of sexual harassment, the judge concluded.

*Editor's note: This feature is not intended as instructional material or to replace legal advice. ■*

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**At a glance**

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**Campus safety**

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**CAMPUS SAFETY**

**Students claim police officers used excessive force**

**Case name:** *Newman, et al. v. San Joaquin Delta Community College District, et al.*, No. 2:09-3441 WBS KJN (E.D. Cal. 08/31/11).

**Ruling:** The U.S. District Court, Eastern District of California denied the defendants' motion to dismiss the plaintiffs' claims under 42 U.S.C. § 1983, the Americans with Disabilities Act, and California disability discrimination laws.

**What it means:** Colleges and universities must ensure that their campus police officers are properly trained to respond to students with mental health disabilities in distress.

**Summary:** Shirley Newman and Anthony Butler sued the San Joaquin Delta Community College and several college officials asserting claims for excessive force, unreasonable seizure, and disability discrimination under federal and state laws.

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

The claims arose from an incident on March 13, 2008, when Newman — who had a history of mental illness — suffered an anxiety attack while in a class at the college. She left her classroom to seek Butler, her husband, who was in another classroom down the hall. Butler's instructor took both of them into an adjacent office where Newman allegedly couldn't be calmed down. The instructor called campus police and told the dispatcher that Newman was threatening to harm Butler.

Although the parties had different accounts of the

events that transpired when the police officers arrived, it was undisputed that one of the officers pushed Butler to the floor and dragged him out of the office, through the classroom, and seven feet down the hallway. It was also undisputed that the other police officer dragged Newman out of the classroom by the arm and slammed her against the hallway wall three times while using racially derogatory language. Newman suffered injuries to her shoulder and lower back.

The defendants moved for summary judgment on all the claims. In ruling on the excessive force claim, the judge noted that under the Fourth Amendment, police may use such force only during an arrest as is objectively reasonable under the circumstances, as judged by a reasonable officer at the scene.

The evidence suggested Butler and Newman didn't pose a threat to the officers and didn't resist or attempt to flee before or after the officers began to use force, the judge concluded. If the officers knew Newman was "acting out" from a mental illness, the Ninth Circuit has indicated that less intrusive means may have been more appropriate, the judge also noted. As a result, the court let the claim stand.

With regard to the unreasonable seizure charge, the judge stated the officers' intervention with the plaintiffs transformed into an arrest. But nothing had occurred that would make the officers fear for their safety, which would justify the aggressive conduct. Consequently, the judge denied the motion to dismiss this claim.

The court also let stand Newman's disability discrimination claim. The college knew about Newman's conditions and had provided her with extra time for tests as an accommodation, he judge noted. The college could be liable for failing to engage in an interactive process to determine whether Newman required another accommodation, such as having a caregiver accompany her to classes, the judge said. ■

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## SUSPENSION

## Student suspended for conduct, not her disability

**Case name:** *Robinson v. Tacoma Community College*, No. C11-5151BHS (W.D. Wash. 09/27/11).

**Ruling:** The U.S. District Court, Western District of Washington granted summary judgment to the defendant in Barbara Robinson's disability discrimination claim.

**What it means:** Colleges and universities may discipline students with disabilities for behavior violating the student code of conduct.

**Summary:** Robinson filed suit in federal court alleging Tacoma Community College violated her rights under Title II of the Americans with Disabilities Act.

Robinson, a Tacoma Community College student, allegedly engaged in threatening and disorderly conduct toward other students on April 21, 2010. After a hearing, Robinson was found to have violated the student conduct code. She was placed on academic suspension for one quarter.

In a follow-up hearing, Robinson allegedly exhibited the same aggressive behavior that caused her suspension. So the college sent her a letter explaining she

wouldn't be allowed to re-enroll unless she provided documentation of a medical evaluation and an active treatment plan for bipolar disorder.

After Robinson filed her lawsuit, the college issued a letter clarifying the terms of her suspension. The letter stated the basis for the suspension was Robinson's threatening behavior toward staff and disruption of the teaching and learning environment. The college also dropped the medical evaluation and treatment requirements. Instead, it required assurances from Robinson that the behavior issues had been addressed.

The college moved for summary judgment, asserting Robinson failed to provide evidence to support every element of her claim. The court agreed, holding Robinson's allegation that she informed her peers of her bipolar disorder wasn't admissible evidence that she was disabled.

The court also held Robinson failed to demonstrate she was suspended for anything other than her conduct toward other students. ■

## SEXUAL HARASSMENT

## One incident not sufficient for tenured prof's termination

**Case name:** *Haegert v. University of Evansville*, No. 82A01-1008-PL-369 (Ind. Ct. App. 09/19/11).

**Ruling:** Indiana's appeals court reversed the trial court's dismissal of John Haegert's claims against the University of Evansville.

**What it means:** To be able to act against isolated incidents of sexually inappropriate conduct, universities must include contractual prohibitions of such isolated incidents separate from general prohibitions of sexual harassment.

**Summary:** Haegert sued the University of Evansville after he was fired from his tenured position as professor of English.

Haegert's tenure began when he signed a contract for the 2004–2005 academic year. Under the contract, Haegert agreed to abide by the rules and obligations imposed by the university, which included no-tolerance harassment and sexual harassment policies. Haegert was aware that violating of the contract would be cause for the university to terminate his employment.

Haegert's problems began when the department chair alleged that while standing directly in front of where she was seated — with his belt at her eye level

about a foot from her face — he said, "Hi, Sweetie" and "touched and moved his fingers on [her] neck and chin in a tickling gesture for a long moment while [she] was addressing [a prospective student and his family]."

At a hearing before the Review Committee, Haegert admitted calling the department chair, "Sweetie" and touching her under her chin. The Review Committee unanimously concluded Haegert's behavior violated the university's no-tolerance sexual harassment policy.

The university president reviewed the report and conducted an additional investigation, including a meeting with Haegert in an effort to resolve the matter informally. After these attempts failed, the president brought the formal complaint before the Faculty Professional Affairs Committee. The FPAC unanimously concluded Haegert's actions constituted adequate cause to terminate his employment.

Haegert sued the university, alleging breach of contract and tortious breach of contract. After the court granted the university's motion for summary judgment, Haegert appealed.

The appellate court overturned the grant of summary judgment. Because the sole reason for Haegert's termination was the department chair incident, which was investigated as sexual harassment in the form of a hostile work environment, the issue was to determine whether the incident was sufficient to create

a “hostile work environment,” the court reasoned.

Relying on a California case, *Haberman v. Cengage Learning, Inc.*, 180 Cal. App. 4th 365 (Cal. Ct. App. 2009), Haegert’s conduct didn’t constitute hostile work environment sexual harassment because it wasn’t pervasive, the appeals court ruled. To be pervasive, the sexually harassing conduct must consist of more than a few isolated incidents, the court reasoned. Although Haegert’s behavior may have been inappropriate, one incident didn’t constitute actionable sexual harassment in the form of a hostile work environment, the court stated.

Consequently, the university didn’t prove Haegert committed sexual harassment in the form of a hostile work environment, the court held. The case was remanded for further proceedings. ■

## ATHLETICS

### University, softball players agree on ways to address discrimination

**Case name:** *Harrison, et al. v. Board of Governors of West Virginia University, et al.*, No. 2:08-cv-00078 (S.D. W.Va. 07/29/11).

**Ruling:** The U.S. District Court, Southern District of West Virginia entered a consent decree proposed by the parties to resolve the plaintiffs’ Title IX claims against West Virginia University.

**What it means:** Title IX imposes an affirmative duty on colleges and universities to ensure their athletics programs aren’t implemented in a manner that discriminates against students on the basis of gender.

**Summary:** In 2008, Terri Harrison and Alexis Cox, female softball players, sued West Virginia University

Institute of Technology, alleging gender discrimination in sports facilities in violation of Title IX.

Harrison and Cox had previously filed a complaint against the university with the Department of Education’s Office for Civil Rights. The university resolved that complaint in 2007 by entering into a resolution agreement calling for implementing changes in its athletics program and facilities. But the student-athletes claimed the university violated the terms of the agreement by failing to implement the promised changes.

After almost four years of negotiations, the parties agreed to settle the dispute and submitted a consent decree for the court’s approval. A “consent decree” is a negotiated agreement entered as a judgment by the court.

It’s also an order where the parties agree to the court’s continuing jurisdiction to enforce the decree. Before entering a consent decree, the court must ensure the agreement is fair, adequate and reasonable, and that it isn’t illegal, a product of collusion, or against the public interest.

Under the consent decree proposed by the parties in this case and agreed to by the court, the university will provide short- and long-term solutions to the disparity between the men’s and women’s athletic facilities.

Short term, the women’s softball team will use the facilities of a high school located 12 miles from their campus. In the interim, the university agreed to renovate its current on-campus facilities to accommodate football, soccer and softball. Once implemented, the plan will establish a permanent home for the women’s softball team with appropriate facilities.

The court retained jurisdiction to enforce the agreement. ■

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CHRIS GRACE, VP FOR STUDENT DEVELOPMENT, UNIVERSITY PLANNING & IT, BIOLA UNIVERSITY

## Gain perspective by integrating various responsibilities

Chris Grace knows the challenges facing a vice president for student development, university planning, and information technology, as well as a professor of psychology. That's because he holds all of those roles, all at the same time. But he's managed to connect them all in ways that benefit Biola University students and staff.

He explains the connection this way: "Technology and students seem to go hand in hand, with students often pushing universities to keep pace with the latest trends. Such technology ... results in higher expenses and unexpected consequences, requiring



CHRIS GRACE

good, thoughtful, university-wide input and planning. Staff and faculty need training, and must remain vigilant about potential ways of adopting new technology trends to be better teachers, resident directors, and student development officers in general."

As a 25-year veteran of higher ed, Grace encourages better connections between student development, the counseling center and IT. A task force of IT and student development faculty and staff explores how to effectively use technology and social media to improve student learning and communicating. For example, the task force wants to teach students the importance of setting technological boundaries and the consequences of being "too public" on social media. He recently had a technology expert speak to students, IT and student development staff about the best uses and most troubling trends in technology and social media.

"I think I often bring a broader university perspective to our student development area, helping our area see more clearly and strategically how our goals and programs fit within the broader university picture," Grace said. "Having a background in university planning helps us to avoid being myopic, crafting a vision and setting goals that are relevant and better aligned with the direction of the university."

His overlapping roles certainly enable him to keep staff abreast of psychology research related to pressing student issues, such as depression, eating disorders and anxiety.

And Biola's residence hall assistants and directors recently received training "to better respond to mental health crises, teaching them more effective mental health first aid," Grace said. The training parlayed

into "more intentionally relevant programming and events related to critical student issues" including fostering their awareness of issues concerning mental health, addiction and relationships. To increase buy-in and participation, Grace invites experts (faculty and others) to serve on panels.

To foster connections with academic affairs, Grace invites faculty who've written a book or article to a staff meeting to speak about their research and discuss how it relates to students and student affairs professionals. "Faculty love the opportunity to talk about their work, and often find new and fruitful connections with our area," Grace said. He also encourages student affairs staff to accept invitations to faculty events.

But one of Grace's biggest challenges has been convincing top university leadership that student development goes beyond just managing crises and student-care issues. He knows that residence life and programming have significant impact on students' career preparation, as well as their spiritual, character and leadership development. So Grace challenges his team to gather everyday stories of students' growth by leading student focus groups such as those for athletes, first-year students and international students. Staff members compile their findings and share them with the president's leadership team and the board of trustees.

Contact Chris Grace at [chris.grace@biola.edu](mailto:chris.grace@biola.edu). ■

### WORD OF ADVICE

#### Make time to listen, connect

Even though a typical day in student affairs doesn't allow much time for chatting with staff members, Chris Grace, who leads Biola University's student affairs efforts, recommends finding a way to fit those discussions in. He's learned the value of building relationships during his 25-year higher ed career.

Getting to know staff members "and the job they do — the passions and joys and difficulties they experience day-to-day — will take a lot of time, but it will result in a great benefit and blessing," Grace said. "Pay them the wonderful compliment of listening and paying attention to them."

Also make time for personal reflection. "Do not forget the passions and dreams that led you to this field," he said. Connect with students, learn how the college-age mind works, and stay up-to-date through professional conferences and publications. ■