



University Senate PROPOSAL FORM

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Date:	9/12/2016
Title of Proposal:	Code of Student Conduct Revision
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Unit/Department/College:	Office of Student Conduct
Constituency (faculty, staff, undergraduate, graduate):	Staff
Description of issue/concern/policy in question:	It is the practice of the Office of Student Conduct to conduct a review of the <i>Code of Student Conduct</i> periodically to ensure that we are incorporating and maintaining best practices within the field of student affairs and student conduct at the University of Maryland. Over the past decade, updates have been made to amend the current <i>Code of Student Conduct</i> to reflect policy changes and updates, but it is our determination that a “top-to-bottom” revision should be made to this long-standing document.
Description of action/changes you would like to see implemented and why:	<p>The Office of Student Conduct has begun to gather a multitude of resources to begin this process, including comparison information from peer/aspirational institutions, BIG 10 schools, and University System of Maryland institutions. We are reviewing our annual report data, community conduct issues, and best practices within the field of student conduct to ensure that our revisions meet standards outlined by the Council for the Advancement of Standards in Higher Education (CAS) and those outlined by the Association for Student Conduct Administration (ASCA), NASPA or Student Affairs Administrators in Higher Education (formerly the National Association Student Personnel Administrators), and the American College Personnel Association (ACPA). It is our goal to revise our current <i>Code of Student Conduct</i> to remove some of the legalistic barriers and create a more inclusive, student-centered, and balanced approach to student growth and development through the disciplinary process.</p> <p>Below we share a brief description (although not an exhaustive list) of several concerns with the current <i>Code</i> and hope to implement changes to be in line with best practices in our field which are also in line with University values of fairness, impartiality, and learning:</p> <ol style="list-style-type: none"> 1. Create more expansive definitions under “Prohibited Conduct” <ul style="list-style-type: none"> ○ Many current definitions under prohibited conduct do not reflect the constantly changing culture of college students and violations referred to the Office of Student Conduct. They are overly general, which leaves a wide latitude for interpretation for anyone reviewing its contents. This can lead to confusion, lack of consistency in

enforcement, and an inability to hold students accountable for specific conduct which may not cleanly fall under one of those definitions.

- Ex: *Part 10(r) – Use or possession of any alcoholic beverage under the age of 21; knowingly providing alcoholic beverages to a person known to be under the age of 21.*
 - This particular policy does not encompass a realistic description of the behaviors which are typically referred to our office or are in line with local, state, and federal laws. We often review cases of excessive alcohol consumption, possession of open containers (over 21 years of age), and driving under the influence of alcohol, which do not specifically fall under this provision. Additionally, with the increased sales of alcohol from various campus venues, we believe it is imperative to reference more specifically the University’s Alcohol Policy within this framework.
2. Adopt the standard of evidence to be “preponderance of the evidence” as opposed to “clear and convincing”
- In reviewing peer and BIG 10 institutional policies, we find that the University of Maryland is not consistent with this particular standard.
 - ASCA has provided guidance regarding their recommendations for switching to “Preponderance of the Evidence” in line with federal guidance surrounding Sexual Misconduct
<http://www.theasca.org/files/The%20Preponderance%20of%20Evidence%20Standard.pdf>
 - The University has already adopted the “preponderance of evidence” standard in cases of sexual misconduct, and it would be incumbent upon us to align our university policies with one another in this manner
3. Advisor roles in the Student Conduct Process
- Currently the University of Maryland is one of the small minority of institutions that allow attorneys to fully participate as representatives in the Student Conduct Process.
 - The *Code of Academic Integrity* and *Sexual Misconduct Policy and Procedures* limits attorney roles to that of an advisor only
 - Involvement of attorneys causes significant delays in case resolution time and often removes the educational development of students from the discipline process. This can cause undue stress for students going through the process, financial inequities among students who cannot afford private attorneys, and a focus on “legal loopholes” rather than student learning in the process.
 - We would like to include attorneys as advisors only, similar to the structure as outlined by the *Code of Academic Integrity*, given that we have the unique resource of a free legal resource in the form of Student Legal Aid on campus.
4. Revise the structure of the *Code of Student Conduct*
- The *Code* is written in extremely dated and legalistic language. In keeping with best practices, we would like to change the format of our *Code* to be more easily understood by students and their families. This would increase transparency of our process, focus on the development and learning of the student, as well as increase the ability to hold students reasonably and fairly accountable for University policies.
 - Our proposed structure would have approximately three (3) major components including:
 - Student Rights and Responsibilities
 - Prohibited Conduct

	<ul style="list-style-type: none"> ▪ Student Conduct Process and Procedures ○ Removal of annotations and unnecessary/outdated information <ul style="list-style-type: none"> ▪ The annotations reference various court cases which have formulated the foundations of any code of student conduct however many are outdated and are irrelevant. We instead would incorporate relevant language and references to this information throughout the sections of the <i>Code</i> without them needing to be a separate list of guidelines.
Suggestions for how your proposal could be put into practice:	Amend the current Code of Student Conduct to include these changes or redraft a new version.
Additional Information:	

Please send your completed form and any supporting documents to senate-admin@umd.edu or University of Maryland Senate Office, 1100 Marie Mount Hall, College Park, MD 20742-7541. Thank you!