

Student Affairs Today

Best Practices and Strategies for Student Affairs Professionals

VOLUME 13, ISSUE 6

SEPTEMBER 2010

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COVER STORY

Prepare now for responding to student death

A student death on campus easily ranks as one of the most difficult challenges you will have to face as a student affairs professional.

It's a tragedy wrought with emotion, which can complicate your responsibilities. That's why it's important to have a plan in place now, so you will be prepared if that type of crisis hits.

That's the consensus among the student affairs experts who participated in a recent *Student Affairs Today* Advisory Board discussion on this topic.

They've learned valuable lessons from dealing with their share of student deaths on campus.

Inside, we share their advice for the best way to respond to a student death on your campus. **Full story, pages 4-5.**

Use this checklist

Be sure that you notify the right people on campus after a student death. Follow this notification guide. **See page 4.**

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Balance multiple roles by prioritizing, being flexible

Susan Salvador, vice president of student services, Monroe Community College, and ACPA president, shares advice for balancing multiple roles. **Page 12**

BRIEFS

Colleges offer gender-blind rooms

It might be time to consider gender-neutral residence halls.

The small but growing trend has taken hold for at least 50 colleges and universities, the *Free Press* reported.

The idea accommodates lesbian, gay, bisexual and transgender students who feel they shouldn't have to room with members of the same sex. And heterosexual students may want to live with romantic partners or friends of the opposite sex. But some conservative students oppose the option. ■

Smoking bans catching on

A campus smoking ban could motivate students, staff and faculty to quit smoking, improving their health.

That's what more institutions are discovering. The number of colleges with nonsmoking policies grew from just 15 in 2005 to 394, according to the Nonsmokers' Rights Foundation.

The University of Florida and the University of Central Oklahoma recently implemented bans. Arkansas public universities be-

came smoke-free in August, *ABC News* reported. ■

Some colleges allow student pets

Pet-friendly residence halls could help new students adjust to living away from home and reduce their stress levels. And pets could help your institution attract students.

Stephens College President Dianne Lynch told *The New York Times* that differentiating itself from other institutions is one reason her college allows students to keep pets on campus. ■

Party prompts diversity campaign

Help students understand the limitations of the First Amendment — in addition to their rights.

Educating students about free speech could help prevent an incident like the one at the University of California, San Diego. An off-campus student party had a ghetto theme mocking Black History Month.

The university responded with a campuswide antiracism campaign and a teach-in about respecting diversity. ■

ASSESSMENT ADVICE

Alleviate staff members' anxiety

Q How do we respond to staff members' fears that assessment will lead to elimination of programs or jobs?

A Tell them assessment aims to improve services by judging the effectiveness of programs, not individual staff members. Explain how outcomes create opportunities for making programs more effective, sometimes by allocating more resources.

Adapted from *Case Studies for Implementing Assessment in Student Affairs*, edited by Marilee J. Bresciani, Megan Moore Gardner and Jessica Hickmott, and published by Jossey-Bass. *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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WILEY

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Secure the best grants by seeking outside help

If you think you don't have the time or expertise to write grants, but need to secure extra funding for your unit, consider hiring an outside grantwriter.

But how can you ensure you hire the right person to do this important work?

"Being prudent with your funds is understandable, but if you're going after money — particularly grants — you have to be certain you make the right decision when choosing a grantwriter," said Terrie Temkin, the founding principle of Core Strategies for Nonprofits, Inc.

First, you need to feel comfortable communicating with your grantwriter, Temkin said. "You'll be spending an enormous amount of time with him and he will want to know about every nook and cranny of your organization — including the dirty laundry. There needs to be a sense of trust that this person will complete the job you've given them in the time allotted."

Start by evaluating each applicant's track record. "There are a lot of people out of work at the moment and plenty of consultants are in-between jobs," Temkin said. "This doesn't mean an applicant is bad, but you must consider his experience."

Good grantwriters share certain characteristics, she said, so ask yourself:

✓ **Is the grantwriter familiar with your institution?** Be sure your applicant's passionate about the work you do.

✓ **Does the grantwriter know the players involved?** He should know the funders, how to start a conversation with them, who is most likely to support your program, and the appropriate funding ranges

for your proposal.

✓ **Will the grantwriter demonstrate his work?** Although confidentiality is an issue, he should provide an example of his writing.

✓ **What expectations does the grantwriter have?** "Any good grantwriter will have a long list of materials he'll need from your organization," Temkin said. He'll want to assess your unit's readiness to apply for a grant and have a clear picture of your unit's mission and finances before he begins.

"If anyone tells you, 'Just sit me down somewhere and I'll start writing,' you should be a little concerned," she said.

✓ **Is the grantwriter certified?** "There are many great grantwriters who don't go through the certification process, but certification will give you a sense of a candidate's experience and knowledge," Temkin said.

The Grant Professionals Certification Institute (www.grantcredential.org) offers credentialing.

✓ **What fees are involved?** "Never hire anyone who wants to write his fee into the grant, except when dealing with research grants at universities where the grantwriter is typically written into the cost of the grant. For any other grant, if someone says he'll do the work for a contingency fee, run the other way," Temkin said.

And remember, just because you used someone in the past for a grant, it doesn't necessarily make him right for your next grant.

For more information, contact Terrie Temkin at terrietemkin@corestrategies4nonprofits.com or www.corestrategies4nonprofits.com. ■



Grant Watch

If you'd like to connect your campus to the surrounding community with bicycle trails and facilities, but lack the funding, then this month's grant opportunity could help.

Funder: Bikes Belong Coalition.

Funding interest: Community bicycling projects, including facilities and advocacy aimed at putting more people on bicycles more often.

Deadline: Nov. 30, 2010.

Award amounts: Up to \$10,000 each.

Eligibility: Nonprofit U.S. colleges and universities.

For more information: Go to www.bikesbelong.org/grants. ■

Look for Grant Watch in every other issue

Every other month, this feature will bring you information about a competitive grant to help you supplement your shrinking budget.

Handle student deaths with sensitivity, professionalism

Any student affairs professional who's experienced a student death on campus knows how difficult it can be to lead students and staff members through a crisis wrought with emotion. What you do first, whom you contact, and what you say or don't say can mean the difference between a tragedy handled with grace and sensitivity and a tragedy that's simply mishandled.

That's why we asked *Student Affairs Today* Advisory Board members to share advice for responding to a student death on campus.

Larry W. Lunsford recalled when parents of a student who died in a hazing incident never received a call from a college because the officials were afraid to speak.

"Regardless of the circumstances, it's not a pleasant call, and there may be hostility at the other end, but the family is owed a call from someone at the university," said Lunsford, associate vice president for student affairs, Florida International University.



LES P. COOK

"It's the hardest call you'll ever have to make," said Les P. Cook, vice president for student affairs, Michigan Technological University. Show sensitivity and empathy. "Give them whatever information you know."

"Extend condolences and offer whatever assistance the institution can provide," said Eugene L. Zdziarski, II, vice president for student affairs and dean of students, Roanoke College. "Be gentle, but direct. It makes it worse when you beat around the bush."

"There's not much you can do or say besides letting them know the college or university cares," advised Lori Reesor, associate vice president for student success, University of Kansas.

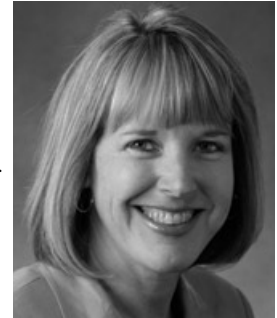
Expect an initial reaction of shock and grief. "Later

you might get the questions, accusations or anger," Zdziarski said.

Reesor recalled "a very difficult" student death in which the parents blamed the institution. Consult with general counsel about what information you can give, she said.

If parents are angry or blaming, let them vent, Reesor said. Be empathetic and caring. Sometimes you're not able to give answers or information they want.

"You just don't know how people will respond," she said. She recalled parents who wanted to go into other staff members' offices to obtain information. Protect staff members by holding parent meetings in a neutral space, such as a conference room in another building, Reesor said. Call security if needed.



LORI REESOR

If you volunteer to pack up the student's room, be sensitive enough to not pack potentially embarrassing items, such as pornography. "It would just make things worse for the parents. The parents don't want to know," Zdziarski said.

Also handle with sensitivity any e-mails about the student's judicial proceedings, Reesor noted.

According to the Family Educational Rights and Privacy Act, the family can access the deceased student's records. But they don't usually ask, Zdziarski said. It's more common for parents to want artwork or architectural drawings, he said.

Notify the campus community as soon as possible, before they read about it in the paper or online, Reesor said. Contact and provide support to roommates, on-campus siblings and boyfriends/girlfriends.

For murders only, use emergency notification systems to tell people what action to take.

Otherwise, e-mail key offices, asking officials to remove the student from mailings. You wouldn't want

Follow notification checklist

Use this checklist, provided by Eugene L. Zdziarski, II, as a guide to notify the right people about a student's death:

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Dean's office of student's college. | <input type="checkbox"/> International student services. | <input type="checkbox"/> President's office. | <input type="checkbox"/> ROTC. |
| <input type="checkbox"/> Student's academic department. | <input type="checkbox"/> Food services. | <input type="checkbox"/> VP of student affairs/academic affairs/business affairs. | <input type="checkbox"/> Student government. |
| <input type="checkbox"/> Library. | <input type="checkbox"/> Fiscal office/fin. aid. | <input type="checkbox"/> Off-campus student services. | <input type="checkbox"/> Parking. |
| <input type="checkbox"/> Student's individual professors. | <input type="checkbox"/> Records/registrar. | <input type="checkbox"/> Housing/residence life. | <input type="checkbox"/> Campus police/security. |
| | <input type="checkbox"/> University relations. | | <input type="checkbox"/> Health center. |
| | <input type="checkbox"/> Alumni association. | | <input type="checkbox"/> Editor, campus newspaper. |
| | | | <input type="checkbox"/> Board of Regents office. ■ |

mailings to go out about the deceased's past-due library books or unpaid parking tickets.

"It's embarrassing and hurtful for parents to get mailings from the university about their son or daughter weeks or months after the student's death," Lunsford said.

You might extend counseling hours or post counselors in residence halls or classrooms. After the murder of an FIU football player, the team was brought to the stadium for counseling. Then FIU sent a counselor with the team to another city for the funeral, Lunsford said.



LARRY W. LUNSFORD

Incidents involving multiple deaths may require bringing in additional counselors, the panel agreed.

Share information with students. Be prepared for a variety of reactions. "Some people get real quiet, some cry and some laugh. Normalize what they're feeling, letting them know how they feel and react is OK," Zdziarski said.

"It's better to give more information, even if it's to say, 'We're working on it' or 'We don't have any more information,'" Reesor said. That prevents students from filling in gaps or assuming you're covering something up.

When a student was stabbed to death, Zdziarski held regular meetings with police and students. As long as students knew they were getting straight answers and the university had increased patrols, students felt safe and supported, Zdziarski said.

Keep an eye on staff members, too. "Sometimes we overlook the staff, like the RA, so make sure he or she is OK," Lunsford said.

Acknowledge staff members' boundaries, Reesor said. "Some can't deal with it. They can still be helpful and contribute, but they may not be the ones to talk to the parents. Some can make phone calls or watch the office."

Remember to take care of yourself, too. "We need a break as well," Reesor said. "It's taxing and you don't realize it. You can't take care of other people if you're so exhausted and so drained. Sometimes you just need to eat or sleep." Seek support in family and friends, she said.

A week after a death, hold a debriefing session. A month after, take staff members to lunch and ask if they're OK, Cook said.

After the FIU football player was murdered, the president invited staff members to his home for a

reception to thank them for how well they responded, Lunsford said

Send cards or letters to parents on the student's birthday and the anniversary of the death. Write a note, such as: "Thinking of you on this day, knowing it's been a tough year."

Keep an eye out for students having difficulty on the anniversary or when similar incidents occur, Zdziarski said. "It can resurrect some of those emotions and feelings," he said.

Decide how to handle and pay for memorial services. If the university pays instead of students, you have more control over the event, Zdziarski noted. Make services open to all members of the campus community. And work closely with students to plan the service, he said.



EUGENE L. ZDZIARSKI, II

Reesor recommended developing clear practices in advance. "It's a slippery slope if the institution does a service for one student and not all," Reesor said.

Some parents might not hold a service, especially after a suicide, Zdziarski said. If students wish to hold one for the campus community, they can proceed without the parents.

Lunsford suggested a policy for handling requests for on-campus memorial benches, parks, trees and plaques. Ask your institution's foundation to redirect such requests into a scholarship fund.

And ask parents where they'd like you to direct memorial donations. ■

The bottom line: Responding to student death

Form an effective plan for responding to a student death on campus by following these steps from *Student Affairs Today* Advisory Board members:

1. Notify parents, students, staff and faculty.
2. Remove deceased student from all mailings.
3. Hold meetings to share information with students.
4. Offer counseling to students and staff members.
5. Hold debriefing sessions and appreciation receptions for staffers.
6. Follow up with parents, students and staffers.
7. Acknowledge anniversaries and birthdays.
8. Respect staffers' boundaries and limits.
9. Plan memorial services with students and parents.
10. Direct memorial donations to scholarship funds. ■

Ensure student organizations receive equal treatment

Student affairs officers may well be wondering whether they should take a closer look at their policies regarding official recognition of student organizations in the wake of the U.S. Supreme Court's holding in *Christian Legal Society v. Martinez*, No. 08-1371 (06/28/10).

The issue arrived at the Court's doors in a case brought by the Christian Legal Society against The University of California's Hastings College of Law. The group had been denied official recognition because it refused to abide by the college's Policy on Nondiscrimination.

"This is a very narrow decision with a unique set of facts," said Timothy Burke, President of Manley Burke, a Cincinnati law firm. Burke is a nationally recognized expert on legal issues relevant to registered student and fraternal organizations.

"I don't think it prohibits a university at all from permitting a group like CLS to be recognized," he added. "The decision simply permitted Hastings to enforce the policy it had adopted. It certainly doesn't force any university to refuse to recognize any organization that has the membership policy that CLS has."

'All-comers' policy is constitutional restriction

Public educational institutions may condition official recognition of student groups on their agreement to open eligibility for membership and leadership to all students, the Court held in a 5-4 opinion.

One of the benefits for registered student organizations at Hastings is eligibility for financial assistance. The law school subsidizes their events using funds from a mandatory student-activity fee.

In exchange, Hastings requires its registered student groups abide by certain conditions, including the one challenged by CLS. Under Hastings nondiscrimination policy, the groups must be willing to admit all students as members without regard to their race, color, religion, national origin, ancestry, disability, age, sex or sexual orientation.

CLS challenged the requirement, arguing Hastings' "accept-all-comers" policy impaired its First Amendment rights to free speech, expressive association, and free exercise of religion. CLS claimed the policy forced it to accept members who didn't share the organization's core beliefs about religion and sexual orientation or forego official recognition.

Under CLS bylaws, members and officers must sign a Statement of Faith and agree to conduct their lives in accord with prescribed principles. Individuals who engage in "unrepentant homosexual conduct"

or who hold different religious convictions may not join CLS.

The Supreme Court held that "[i]n requiring CLS—in common with all other student organizations—to choose between welcoming all students and forgoing the benefits of official recognition... Hastings did not transgress constitutional limitations."

Hastings argued the open-access policy "ensure[s] that the leadership, educational, and social opportunities afforded by [RSOs] are available to all students." It also claimed the requirement allowed it to implement its nondiscrimination policy without inquiring into an RSO's motivation for membership restrictions.

The Court explained that by providing official recognition and funding from mandatory student fees to student organizations, Hastings had created a limited public forum.

In First Amendment case law, a public forum is government property—physical or intangible—available for expressive activities. Under the public forum doctrine, the government may create a limited public forum restricted to certain classes of speakers (e.g., student organizations at a public university).

The university may also condition participation by adopting requirements that are reasonable in light of the forum's purpose. Conditions that differentiate between applicants based on their point of view or beliefs would be unconstitutional.

The court noted it was "hard to imagine a more viewpoint-neutral policy than one requiring *all* student groups to accept all comers."

Even if the policy appeared to be viewpoint-neutral, CLS argued, it burdened groups which embraced unpopular beliefs. But, the court concluded, CLS' conduct—in rejecting nonbelievers and homosexuals—not its beliefs, was what stood between the organization and official recognition.

Court's holding very limited

Educational institutions shouldn't rush to amend their policies, Burke cautioned.

We don't know what it means for the future, he said. "It's not clear yet. In the end, it is procedurally and factually a very unique case and it makes the holding very limited."

But Burke provided the following advice: "Make sure that you are treating everybody on campus on the same basis. Do not treat one group differently because its views are unpopular."

Contact Timothy Burke at tburke@manleyburke.com. ■

RESOURCES

Report examines alcohol marketing

Almost 5,000 people under 21 die of alcohol overuse each year. And college students are exposed to round-the-clock, multimedia campaigns designed to entice underage drinkers. That's according to a new report, "Alcohol Marketing in the Digital Age."

The study's authors want officials and activists to examine weak age-verification mechanisms and how alcohol companies target underage drinkers.

See the report at www.digitalads.org/alcohol.php. ■

Book reveals impact of college on students

Most student affairs professionals have little time to delve into research on an ongoing basis to help them determine what works in higher education practice and policy.

The second volume of *How College Affects Students*, by Ernest T. Pascarella and Patrick T. Terenzini, synthesizes recent research and discusses implications.

Check it out at www.josseybass.com/WileyCDA/WileyTitle/productCd-0787910449.html. ■

Site provides vets with support

Student-veterans struggling with mental health issues and substance abuse issues need support tailored to their unique experiences.

Now you can refer vets and their families to The Substance Abuse and Mental Health Services Administration site.

It provides resources for dealing with addictions, fear, anxiety, stress, trauma, grief, depression and suicide.

Go to www.samhsa.gov/vets. ■

Discover new ways to use Google Maps

By Warren Hilton

If you haven't been using Google Maps and Google Earth in your student affairs office, now's the time to get started. Here's how Google Maps and Google Earth can improve student services on your campus:

1. Community service offices. Use Google Maps to provide a visual 'map' of community service opportunities located near campus. This will give students an idea of what type of service they can complete and how close the service opportunity is to where they live. See a great example on Moravian College's community service website at <http://home.moravian.edu/public/stusvc/community/map/mapframe.html>.

2. Career services. Use Google Earth to display the places where students have completed internships and alumni are working. Career services offices can give a quick snapshot of the career success and placement of their students and graduates. You'll find an excellent example on Elon College's website at www.elon.edu/e-web/career_services/maps.xhtml.

3. Orientation and alumni networking. Take advantage of Google Maps to introduce and connect students and alumni to each other. Using the My Maps feature, they can create an autobiography with place marks of important places (i.e., where they were born, etc.) in their lives.

These maps can be submitted to offices that handle orientation and/or alumni affairs. Then they can be shared with the campus community and alumni.

Agnes Scott College created biographies of women mathemati-

cians by using Google Maps. Go to www.agnesscott.edu/lriddle/women/geographic.htm.

4. Residence life. Draw on Google Maps features to provide directions to a particular residence hall. But take it a step further by using Google Earth to provide a satellite image of the building. Texas A&M does a wonderful job showing off their residential facilities using Google Maps and Google Earth. Go to <http://reslife.tamu.edu/maps/>.

5. Student activities. Conduct fun and interactive scavenger hunts using Google Maps. Students with their computers tuned to Google Maps can locate different landmarks, people and services on and around campus. Create a directional map, and then follow the directions to points included in the hunt. Central Michigan University's recent "Mission Impossible" scavenger hunt featured students working with Google Maps to find locations and people around Mount Pleasant, Mich. You'll find it at www.cm-life.com/2010/04/18/students-duke-it-out-in-campus-wide-savenger-hunt.

These opportunities offer a unique way to engage students in co-curricular activities.

Why not try out at least one? And maybe the next time someone googles "Google Maps university or college," your institution will be at the top of the list. ■

MANAGING YOUR OFFICE

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

About the author

Warren Hilton is assistant dean for student affairs at Drexel University's School of Public Health. He can be reached at whilton@drexel.edu. ■

Did disability preserve student's claim against university?

Connie Olson sued Portland State University for violating her rights under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and 42 U.S.C. § 1983.

Olson suffered from bipolar disorder and post-traumatic stress disorder, managed with a combination of drugs affecting her self-awareness. She registered with the Disability Resource Center at PSU. Her professors were aware of her condition.

Olson experienced visual and auditory hallucinations and delusions, manifesting in feelings of love toward a female professor in 2004. Although Olson didn't make sexual advances, the professor found the behavior an unwelcome contact constituting sexual discrimination.

Eventually Olson became aware of her delusional interest in the professor and ceased communications with her. Olson was hospitalized and treated for her illnesses. When she was stable, she was cleared to return to school.

PSU asked Olson to sign a release agreement recognizing her actions constituted sexual discrimination. The university explained the terms of the agreement but failed to explain the consequences. The agreement barred Olson from the Anthropology Department, her chosen field of study.

Olson claimed she signed it because she feared PSU's president would dismiss her.

The defendants moved to dismiss Olson's claims, asserting they were barred by the state's two-year statute of limitations and sovereign immunity.

Olson contended the limitation period hadn't run against her because she was mentally incompetent.

Under Oregon law, a statute of limitations can't run against a person who is insane. Insanity is defined as the inability to understand the harm suffered.

PSU countered that although Olson suffered from a mental disability, she was capable of understanding the consequences of the university's actions and how they allegedly would harm her.

Olson v. Oregon University System, et al., No. CV 09-167-MO (D. Ore. 05/05/09).

Was Olson's claim barred by the statute of limitations?

A. Yes. Olson's disability didn't qualify as insanity because her symptoms could be controlled with treatment and medication.

B. Yes. Olson's behavior when she was asked to sign the agreement indicated her awareness of its potential negative impact on her educational plans.

C. No. The agreement was invalid because Olson signed it under duress. As a result, the statute of limitations never ran.

D. No. The statute of limitations couldn't run against Olson because her disability affected her ability to perceive reality.

Correct answer: B.

The court held Olson's claims were barred by the statute of limitations. Olson showed she was mentally unstable but she knew she'd be injured by the agreement. The court noted Olson became very upset and protested when she was first presented with the agreement. "This behavior demonstrates that [Olson] understood that the Agreement injured her," the judge stated.

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

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DISABILITY

College revises grievance procedures

Case name: *Letter to: Cuyahoga Community College*, No. 15-09-2104 (OCR 02/18/10).

Ruling: The Office for Civil Rights determined Cuyahoga Community College's grievance procedures didn't comply with federal regulations.

What it means: Institutions shouldn't indicate in their grievance procedures that complaints will be forwarded to OCR. That gives the impression that complaints may not be filed with the agency until internal grievance mechanisms have been exhausted.

Summary: OCR investigated a complaint alleging an English professor discriminated against a Cuyahoga Community College student on the basis of her disability (paranoid schizophrenia). The

person who submitted the complaint claimed the professor called the student "stupid" and "dumb," and advised her that she didn't belong in college.

OCR representatives interviewed the professor, and officials for student affairs, special student services, and liberal arts.

The professor said she didn't remember the student and that based on her grade book, the student attended only two classes. The professor stated she first heard about the student's condition when OCR contacted her.

Other college officials confirmed the student didn't self-identify as an individual with a disability when she enrolled and hadn't registered for disability services.

The disability services coordinator stated the student mentioned comments made by the professor. She also advised the student to submit a formal complaint to the associate dean of the department.

The associate dean stated the student never submitted a complaint and was unaware of the student's concerns until he was told of the OCR complaint.

The student didn't agree to an OCR interview. As a result, the agency determined there was insufficient evidence to support the allegations. However, OCR noted the college's grievance procedure:

1. Didn't explain that complaints include allegations of disability discrimination, including disability harassment, carried out by employees, other students or third parties.

2. Didn't include the name or title, address and telephone number of the college employee designated to handle complaints, or the alternate person who would handle the complaint if the person with whom the complaint is filed was alleged to have been involved in the discrimination.

3. Didn't include an assurance that the college will take steps to prevent recurrence of any harassment and to correct discriminatory effects on the complainant and others.

4. Could cause confusion because it appeared to indicate complaints could be forwarded to OCR at the end of the complaint process. This incorrectly indicated OCR was an appeal mechanism and inappropriately suggested complaints may not be filed with OCR until complainants have exhausted the internal grievance procedure process.

The agency closed the investigation after the college entered into a resolution agreement indicating it would adopt a revised grievance procedure. ■

LAW & CAMPUS

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

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DEFAMATION

Student sues coach for negative evaluation

Case name: *Heike v. Guevara, et al.*, No. 09-10427-BC (E.D. Mich. 02/09/10).

Ruling: The U.S. District Court, Eastern District of Michigan dismissed Brooke Heike's defamation claim against Central Michigan University's women's basketball coach.

What it means: Generally, statements made by university officials during a hearing requested by the plaintiff aren't subject to defamation claims.

Summary: Heike filed a nine-count complaint on Nov. 12, 2008. He alleged numerous federal claims under 42 U.S.C. §1983 and state law against several CMU defendants, including the women's basketball coach, Sue Guevara, and the athletic director, Dave Heeke.

The District Court previously dismissed all the claims against the defendants, except for a state law defamation charge against Guevara.

Heike filed the suit after Guevara dismissed her from CMU's women's basketball team causing her to lose her athletic scholarship. When Heike appealed

the dismissal, Guevara submitted a written statement explaining the grounds for her decision.

Heike asserted that Guevara's written statement to the appeals committee constituted defamation. The statement included negative evaluations of Heike's performance and attitude while she was a member of the team.

Guevara moved to dismiss the claim. She asserted Michigan law provides a complete defense to a defamation claim when a defendant's defamatory statements are published at the invitation of, or with the consent of, the plaintiff. Guevara argued Heike invited the alleged defamatory statements when she requested the hearing with the Appeals Committee.

The District Court agreed with Guevara and dismissed Heike's claim.

The court held Heike gave implied consent "to have her participation on the CMU's women's basketball team evaluated when she agreed to join the team" and again when she requested the appeals hearing. ■

DISMISSAL

Student challenges removal after threatening behavior

Case name: *Maxwell v. Willis*, No. 11-09-00275-CV (Tex. Ct. App. 05/06/10).

Ruling: Texas' Court of Appeals dismissed Robert Willis' claim of defamation against Elvin Maxwell.

What it means: A public official sued for actions taken in good faith while performing a discretionary duty within the scope of his authority may assert the defense of official immunity against civil lawsuits seeking to recover damages.

Summary: Willis sued Texas Tech University and its Physician Assistant Program Director Elvin Maxwell asserting several causes of action in connection with his removal from the PA program. He claimed Maxwell violated his right to confidentiality under the Family Educational Rights and Privacy Act, denied him due process and defamed him.

Maxwell removed Willis from campus after his ex-girlfriend reported he pointed a gun at her when she broke up with him. Maxwell also informed Willis' classmates he'd been removed from campus and told them to advise police and faculty if Willis contacted them.

Maxwell filed a motion for summary judgment,

alleging Willis' claims were barred by official immunity. After the trial court denied his motion, Maxwell appealed.

Official immunity is a defense protecting a government employee from liability in a lawsuit when the employee performs discretionary duties within the scope of his authority, provided the employee acted in good faith.

Investigating and acting on gathered facts were quasi-judicial actions involving the exercise of discretion, Maxwell argued, and his investigation of the report fell within the scope of his authority, and he acted in good faith. Willis didn't dispute Maxwell exercised a discretionary duty but alleged telling the other students about his removal fell outside the scope of his authority and was in bad faith.

The appellate panel declined to determine whether Maxwell violated FERPA because it wasn't relevant to the defamation claim.

The panel held Maxwell had the authority to warn students about a situation that could affect their safety. It also held that even if Maxwell had been subjectively motivated by improper concerns, a reasonable public official could've made the same decision.

The panel reversed the trial court's denial of summary judgment on Willis' defamation claim and remanded the rest of the case for further proceedings. ■

CAMPUS SAFETY

College not liable for off-campus death

Case name: *Guest v. Hansen, et al.*, No. 08-4642-cv (2d Cir. 04/20/10).

Ruling: The Second U.S. Circuit Court of Appeals affirmed summary judgment for Paul Smith's College of Arts and Sciences in a negligence lawsuit arising from Kristine Hansen's accidental death while visiting the college.

What it means: Generally, colleges and universities don't owe students a duty of care, nor do they have a general duty to supervise or control their student's off-campus conduct.

Summary: Kristine Hansen and Joshua Rau died in an accident involving a snowmobile on the lake at Paul Smith's College of Arts and Sciences, located in upstate New York. The lake, although within steps of the college's residence halls, was state property and also outside the college's jurisdiction.

Hansen, a student at Quinnipiac University in Connecticut, was visiting Rau at Paul Smith on the day of the accident. The two students were celebrating Rau's birthday. They had been drinking alcohol along with about 100 other students at a party on the lake.

Hansen's estate sued Rau's estate, the college, and its director of residence life, Toni Marra. The plaintiff alleged the college defendants acted negligently by failing to intervene in the party and insufficiently enforcing the college's policy against underage drinking.

The defendants moved for summary judgment, arguing they:

- Didn't have any duty to supervise or control Hansen's activities.

- Were entitled to immunity from liability for snowmobiling injuries under state law.

The record showed Marra and the college's head of campus safety intervened several times during the party. The two college officials also admonished students about the risks associated with their activities. Marra asserted she decided against reporting the activities to state police because she thought doing so could incite the students to riot.

The District Court granted the defendants' motion for summary judgment holding they didn't owe Hansen a duty of care.

The judge noted that New York courts have held that colleges don't have a general duty to supervise or control their students' conduct "so as to prevent them from harming others, even where as a practical matter defendant can exercise such control." Nor did Marra or the College assume a duty when Marra went out to the lake, because by doing so she did not "place [Hansen] in a more vulnerable position than she otherwise would have been in," the court added.

The Second Circuit affirmed the judgment on appeal. The panel noted that even assuming the college had the ability to control off-campus social activities, it did not have the obligation to do so.

Also, the fact that Marra knew students were congregating on the lake didn't mean she was required to ban their activities. ■

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SUSAN SALVADOR, VICE PRESIDENT, STUDENT SERVICES, MONROE COMMUNITY COLLEGE

Balance multiple roles by prioritizing, being flexible

During her 24-year student affairs career, Susan Salvador has learned a great deal about the importance of balancing multiple roles.

Early in her career, Salvador had to find ways to balance her roles as a new student affairs professional and a new mother of two young children. She was also working on her dissertation.

Salvador learned to prioritize. She connected with supportive mentors and role models. She found colleges to work for that understood the challenges of working mothers. She learned about the organizational culture and philosophy by networking and by observing the diversity of administrative staff.



SUSAN SALVADOR

Taking a similar approach will help others “through difficult times when you have a lot to balance on your plate, when you’re committed to all and you have to balance all,” she said.

Now, many years later, Salvador continues the balancing act, successfully juggling two demanding roles. She’s vice president, student services at Monroe Community College in Rochester, New York, and also president of ACPA - College Student Educators International.

Instead of seeing the two roles as overwhelming or competing, Salvador sees her responsibilities as complementary to each other. Her role as president exposes her to different programs, strategies, visions and missions at various institutions, Salvador said. She brings these experiences back to her own institution. “It’s a win for everybody,” she said.

“I took the position with ACPA because I wanted to contribute to the field—and I am contributing—but I’m also learning and gaining valuable knowledge I wouldn’t have without this position,” Salvador explained. “It’s benefitting my work on my campus as vice president.” Her role as ACPA president has also added to her soft skill set and learning tools, she said.

But Salvador wouldn’t have experienced the benefits of the dual roles unless she found effective ways to balance them.

“Being clear and realistic about the demands both jobs expect out of me” has played a key role in that balancing act, Salvador said.

She gained an understanding of the levels of expectation and all the areas of responsibility in her ACPA role. And she learned to prioritize the demands

of both of her roles, she said. Then she had to recognize that urgent and important matters would crop up unexpectedly from both roles. And that requires her to be “incredibly flexible,” Salvador said.

She also knows the importance of staying fully committed to her institutional responsibilities. “When I’m on the campus, I am their VP. What they see when they look at me is their VP. I’m also ACPA president, but I can’t let that diminish my level of commitment to my VP post,” Salvador said.

Contact Susan Salvador at ssalvador@monroecc.edu. ■

WORD OF ADVICE

Choose the right staff for new programs

Under her leadership, Susan Salvador developed several new programs at Monroe Community College, where she’s vice president of student services. So she knows the importance of hiring the right staff to help ensure a new program’s effectiveness.

For example, the Doorway to Success program works to ensure the success of African American and Latino male students. The program addresses issues that may cause this group to stop out, such as finances, family responsibilities, time management and study skills, readiness for college, and engagement with the college and the community, Salvador said.

And the Academy for Veterans’ Success serves student vets and their families.

It’s challenging to develop new programs that will help ensure the success of students. But it helps to hire the right people to run such programs, Salvador said. Here’s how:

➤ **Consider the experience of staff members.** But don’t assume that staff members must have a similar background as the students they serve. “However, if they have had similar life experiences or have worked with diverse populations, it helps students relate to staff,” Salvador said.

➤ **Look for these key qualities:**

- Strong communication skills.
- Understanding of cultural and academic barriers to achievement.
- Knowledge of and ability to implement retention strategies.
- Understanding of career decision-making processes.
- Ability to track and assess retention initiatives. ■