



Student Conduct: A Guide for Parents

Contents

Student Conduct: A Guide for Parents..... 1

Introduction 2

 My student has been asked to come in for a meeting about an allegation of misconduct. What can I do to help? 3

 Does my son or daughter need a lawyer? 3

 I have a specific question about my student's conduct case, with whom can I talk? 4

History of Student Conduct Processes..... 4

Difference between criminal proceedings and student conduct process 4

Family Educational Rights and Privacy Act (FERPA)..... 5

 What are education records? 5

 What aren't education records? 5

 Letters of recommendation 6

 FERPA and Parents' Access to their Student's Education Records 6

 What rights do students have under FERPA? 6

 What is directory information?..... 6

 For more specific information about FERPA, please contact: 7

Talking with your college student about alcohol..... 7

 Your Child is Going to College - What Parents Should Do 7

 Following are some suggestions: 7

 Here are some conversation starters you may want to use with your student: 7

 Additional resources: 8

Introduction

Chances are you never thought that your son or daughter's Vanderbilt experience would include an interaction with our office. This page is designed to help answer some of the questions you may have about our conduct process and give you information that can help you best support your son or daughter.

First, we recognize that our students (like all of us) make mistakes. Sometimes this involves the consumption of alcohol. Other times it may involve a rash decision made at a late hour. The competitive environment at Vanderbilt, in which students want to excel both academically and personally (e.g., be socially accepted and liked by their peers) can sometimes lead to decisions that students later regret. Through our process, we want students to learn where they could have made different decisions and offer them strategies for making better choices in the future.

The expectations we have in place for our students flow from our [Community Creed](#) and [Student Handbook](#). As you know from your own experience, actions carry consequences. This is no different at Vanderbilt. When students are found responsible for violating a university policy, they may face a set of sanctions. These sanctions may include a reprimand, probation, reflection papers, and, sometimes, separation from Vanderbilt, either for a period of time (suspension), or permanently (expulsion). These are not consequences we take lightly. We recognize that any sanction imposed upon a student is a burden. However, we also feel strongly that our process and sanctions play an important role in a student's education at Vanderbilt not just during their time with us, but in life beyond college.

We encourage -but do not require- students to talk with their parents upon finding themselves in a tough situation that may involve violation of a university policy. We have found that students are often fearful to talk with their parents about their situation because of the reaction they think they will receive. While you will understandably be concerned about what may have happened, you will undoubtedly want to show support to your son or daughter. Listen to his or her perspective. Encourage him/her to accept responsibility for the role he or she played in a situation. And show that you still stand behind him or her.

A common reaction from parents is that their son or daughter could not have possibly engaged in the behavior of which they are accused. Or, at worst, the behavior of their son or daughter was unintentional and simply a mistake. We strive for a fair and thorough process in determining the extent to which a student was involved in a situation. Intent -or lack thereof- is most often considered not in a determination of responsibility, but in a determination of the sanctioning. We have high expectations for our students, and this includes seeking appropriate help when facing a difficult decision.

So what if your son or daughter faces conduct action, including separation from the university? How does this impact his or her record or chances of gaining admission into a graduate/professional program? Parents have many questions about how conduct action may affect their child's future. We are happy to speak with you with other concerns you may have. Feel free to contact us by phone at (615) 322-7868 or email at studentconduct@vanderbilt.edu.

-Adapted from Emory University's Office of Student Conduct, with permission.

General Questions about the Student Conduct Process

How can I help my student avoid becoming involved in the conduct process?

We encourage you to talk with your son or daughter about their values and how their actions can impact their future. Often students find themselves in a conduct situation because they did not fully consider the consequences of their actions. While your child is now technically an adult, college is a time of growth, change and challenge. As a parent you can be a valuable ally and support for your child.

How will I know if my student has gotten in trouble?

It is not the practice of the university to notify parents if their student is involved in a conduct case. However, we do notify parents of the outcomes of cases in which sanctions are probation-level and higher. We also do not mandate that students contact their parents when they are accused or found responsible for misconduct, although sometimes we may encourage them to do so, particularly when there are serious financial or academic implications. There are rare exceptions when we may contact a parent or family member if we believe it to be in a student's best interest to do so. Both federal law and corresponding university policy generally restrict our ability to share information about a student without his or her written consent.

With that said, we encourage you to talk regularly with your student about their adjustment to college life, academic progress and how you can be supportive. Just because your son or daughter acts like they are ready to live without your advice doesn't mean they don't appreciate it when you show that you care.

My student has been asked to come in for a meeting about an allegation of misconduct. What can I do to help?

Often students and parents are anxious about the conduct process. One way to help is to become informed about how our process works. You can review our web site to learn about our expectations as well as how our conduct process works. The best role you can play is to be a support person for your son or daughter. We understand you may want to take a more active role. However, a cornerstone of our conduct process is that each student is responsible for his or her own conduct. Learning to take responsibility for his or her actions and to develop self-confidence and self-reliance happens best when a student takes a principal role in representing him or herself in the conduct process.

If my child is found responsible for misconduct what is the outcome?

The conduct process allows for flexibility in determining the outcome of a case based on factors such as the circumstances and seriousness of the incident and the conduct history of the student. There is no predetermined sanction for any violation. Sanctions are primarily meant to be educational for the student. In some instances sanctions may also be designed to protect the University community.

In serious cases, university suspension or expulsion are potential outcomes of the conduct process. Since these sanctions hold significant implications both financially and in terms of a student's academic progress we strongly encourage students to involve their parents or those responsible for assisting the student with financing his or her education in situations where these outcomes are a possibility.

Does my son or daughter need a lawyer?

The conduct process is separate and different from the criminal or civil court system. Sometimes behavior that is prohibited under the Code is also a violation of criminal or civil law, and a student may be held accountable under both systems. Because of the inherent nature of the conduct process as an educational rather than an adversarial system, we do not allow lawyers to participate in our process.

Our office has worked with students' attorneys in the past to provide information about our process or specifics about a student's case, most often when the student faces a concurrent criminal or legal charge.

I have a specific question about my student's conduct case, with whom can I talk?

The staff in the Office of Student Conduct can answer general questions about the conduct process, we can be reached by phone at (615) 322-7868 or email at studentconduct@vanderbilt.edu. We are happy to speak with you in general terms about our conduct process. In order to speak with you about your son or daughter's specific conduct case we must first obtain your student's permission to do so in writing. This is a requirement of a federal law known as the Family Educational Rights and Privacy Act (see below).

History of Student Conduct Processes

Universities began addressing student misconduct as early as 1822 when a group of University of Virginia students rioted on the University Lawn. In response to this incident, Thomas Jefferson wrote:

“The article of discipline is the most difficult in American education. Premature ideas of independence, too little repressed by parents, beget a spirit of insubordination, which is the greatest obstacle to science with us, and a principal cause of its decay since the revolution. I look to it with dismay in our institution, as a breaker ahead, which I am far from being confident we shall be able to weather.”

Student discipline is not therefore a recent invention of contemporary higher education. Discipline as used by Jefferson has however undergone an evolution over the years. Modern disciplinary practices trace their origins to the 1961 case of *Dixon v. Alabama State Board of Education*. In *Dixon*, the students argued that their meeting with the administrator did not meet the standards for due process. As a result of this meeting, the students were expelled from the institution. The Court ruled that students should be given at least notice of the charges and an opportunity to be heard. The Court also said that a full criminal hearing is not required.

Over the years, *Dixon* has been tested from time to time. The basic decision (the right of students to due process) still prevails. In a more recent case, *Flaim v. Medical College of Ohio*, Flaim was expelled from the college for a felony drug conviction. Returning to the due process standards set forth by *Dixon*, the Court ruled that the more serious the repercussions, the more procedure that is due. However, in both cases, the Courts have consistently stated that even when a student is facing expulsion from the institution, the process that is due need not be as elaborate as the process that would be due in a criminal hearing. Thus, students facing disciplinary action from their institution generally are not entitled to have an attorney represent them, to cross-examine witnesses, or have an appeal unless the institution's conduct code allows for these procedures.

These two cases illustrate the impact of due process and the 14th Amendment as they apply to public institutions. As a private institution, Vanderbilt University is not required to provide the same due process rights. However, Vanderbilt outlines their policies, including due process, in the Student Code.

Difference between criminal proceedings and student conduct process

First and foremost, rules governing the handling of student conduct matters at institutions of higher education are different from criminal statutes. Criminal prosecutions occur only when violations of law are alleged. On campus, there are many types of violations that may not be violations of state or federal law, but violate institutional community standards, such as academic dishonesty.

A second significant difference between campus procedures and criminal processes is the standard of proof. The burden of proof on most college campuses, including Vanderbilt University, is a preponderance of the evidence or “more likely than not.” In contrast, the standard in a criminal case is beyond a reasonable doubt.

Another difference is that the campus discipline process, including outcomes, is protected and confidential whereas a criminal prosecution creates public records. For more information on the limitations on the disclosure of student records, please refer to the section on the Family Educational Rights and Privacy Act (FERPA).

Yet another difference is that students who are charged with a violation of the student code have the choice to have their case heard before a staff member in the Office of Student Conduct & Academic Integrity in an administrative hearing or go before the Conduct Council. It is not a trial, and as such, is not adversarial in nature. The student conduct process is intended to be educational, rather than punitive. The sanctions tend to focus on repairing harm to the community, to victims, and to the institution as a whole. They also taken into account what the accused student needs to learn from the situation. The process focuses on helping the student understand why and how his or her behaviors violated community standards and how the student can make better choices in the future.

It is important to note that depending on the type of violation that criminal charges can be filed while a violation of the student code is being investigated. These are completely separate processes with different goals, ramifications, and jurisdictions.

Family Educational Rights and Privacy Act (FERPA)

What are education records?

An education record is any records from which a student can be personally identified and maintained by the university. A student has the right of access to these records. Education records include any records in whatever medium (handwritten, email, print, magnetic tape, film, diskette, etc) that is in the possession of any school official. These records include transcripts or other records obtained from a school in which a student was previously enrolled.

What aren't education records?

- Sole possession records or private notes held by school officials that are not accessible or released to other personnel,
- Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit,
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment,

- Records of an institution that contain only information about an individual obtained after that person is no longer a student (i.e. alumni records).

Letters of recommendation

Statements made by a person making a recommendation that are made from that person's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information obtained from a student's education record is included in a letter of recommendation (grades, GPA, etc), the writer is required to obtain a signed release from the student which:

1. Specifies the records that may be disclosed,
2. States the purpose of the disclosure, and
3. Identifies the party or class of parties to whom the disclosure can be made.

Since the letter of recommendation would be a part of the student's education records, he or she has the right to read the letter, unless the student waived that right of access.

FERPA and Parents' Access to their Student's Education Records

1. When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student.
2. Parents may obtain directory information at the discretion of the institution.
3. Parents may obtain non-directory information (grades, GPA, etc) at the discretion of the institution only after it has been determined that their child is legally their dependent.
4. Parents may also get non-directory information by obtaining a signed consent from their child.

What rights do students have under FERPA?

- The right to inspect and review their education records within 45 days of their request
- The right to request an amendment to their education records
- The right to consent to disclosures of personally identifiable information contained in their education records
- The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA

What is directory information?

Institutions may disclose the following information about a student without violating FERPA if the student has not restricted his or her information.

- Name
- Email address
- Address (local and home)
- Telephone number (local and home)
- College and curriculum
- Enrollment status and credit hour load
- Dates of attendance
- Classification
- Receipt or non-receipt of a degree

- Academic awards received (dean's list, honors students)
- Participation in officially recognized university activities
- Sports photograph
- Position, weight, and height of athletes

For more specific information about FERPA, please contact:

- [Lydia Norfleet](#), Associate University Registrar (615) 322-7709
- [Family Policy Compliance Office, U.S. Department of Education](#) (202) 260-3887

Talking with your college student about alcohol

Parents need to recognize that college students, especially first-year students, are at a significantly higher risk for alcohol-related problems than almost any other population.

Availability of alcohol +
Absence of parents +
Desire to fit in =
Potentially risky drinking decisions

Your Child is Going to College - What Parents Should Do

Adapted from: [National Commission Against Drunk Driving](#) and [The Century Council](#)

According to college administrators and alcohol researchers, parents have more power and influence than they realize to help protect their student from dangerous drinking. They can help college-bound teenagers assess their goals and values, explore what they want out of the college experience, assess the culture at schools they are considering and check in frequently with their student once at college, especially during the high-risk first year.

Following are some suggestions:

- Parents need to help their student explore decision-making, values and priorities.
- Parents need to express an opinion about what they expect their student to do in college (attending class, financial responsibility, choices regarding drinking, study time vs. social time, staying in touch, etc)
- Arm yourself with information. Read the [Vanderbilt alcohol policy](#).
- Do not romanticize any youthful experience with alcohol or other drugs
- Keep in close contact by phone or email, especially during the first six critical weeks.
- Do not be afraid to ask questions, such as their partying, drinking, using drugs. Better yet, visit your student on campus. Saturday mornings might be a great time to see for yourself if partying or drinking is affecting your student's life.
- Make sure the student understands the legal penalties for underage drinking, driving under the influence, using a fake ID and other alcohol offenses.

Here are some conversation starters you may want to use with your student:

- How will you decide whether or not to drink at college?
- What will you do if you find yourself at a party with only alcohol to drink?

- What will you do if your roommate only wants to drink and party?
- What will you do if you find someone passed out in the bathroom?
- How will you handle it if you are asked to baby-sit someone who is very drunk?

Additional resources:

- [Alcohol, Drug, and Other Drug Prevention Programs, Vanderbilt University](#)
- [The Core Institute](#)
- [How Much is Too Much?](#)
- [National Institute on Alcohol Abuse and Alcoholism \(NIAA\)](#), of the National Institutes of Health
- [National Institute on Drug Abuse \(NIDA\)](#), of the National Institutes of Health