

INTRODUCTION

The Association for Student Conduct Administration (ASCA) Board of Directors have identified position statements in alignment with the Association's "advocacy" value. The position statements are based on common responsibilities, processes, and situations student conduct professionals experience. The position statements provide guidance and serve as recommendations to ASCA members and the larger field of student conduct. ASCA will review and update position statements on a three-year basis, adding position statements, as needed. To provide suggestions or feedback to the position statements, please contact asca@theasca.org.

SOCIAL JUSTICE POSITION STATEMENT

ASCA is committed to being a social justice champion in the student conduct profession. As a result of a group of Black students' advocacy for civil rights in the landmark U.S. federal court case, [*Dixon v. Alabama*](#), addressing injustice and ensuring students have rights in a student conduct process is foundational to student conduct work. Engaging in Social Justice work creates space where growth may occur and requires individuals to recognize how implicit/explicit biases attribute to antiquated policies and practices that are not in the best interest of students and staff. To support this effort, ASCA implemented the [*Knowledge and Skills*](#) document to guide members and member institutions in assessment of its staff preparedness and institutional practices such as hiring practices, code of conduct revisions, and ongoing professional development. In keeping with our commitment to Social Justice, ASCA will continue to integrate equitable and inclusive practices into all aspects of the Association and member experience. ASCA will strive to ensure the entire membership is equipped with the knowledge and skills necessary to continue moving the profession forward.

ACCOMMODATIONS POSITION STATEMENT

ASCA is committed to helping its members create spaces, policies, and practices that support ongoing needs of campus populations that are neurodiverse and/or are physically disabled. Acknowledging that new generations of students and professionals are entering academic and residential spaces—generations that not only prioritize their learning, but also physical, psychological, and emotional health needs—it is paramount that sustainable practices prioritize accessibility and mental health. To successfully meet this standard, ASCA recommends student conduct professionals seek and maintain education related to the ever-evolving needs and accommodations for disabled students and staff. Student conduct professionals should create an environment and process that is accessible. To prioritize access for all, ASCA recommends engaging in universal design across all functions of student conduct work.

CAMPUS PARTNERSHIPS POSITION STATEMENT

ASCA believes campus units share the responsibility of creating an environment that is student-centered. This responsibility involves intentional and formalized collaborative partnerships with units that provide holistic support to students. Student conduct offices respond to a wide array of student/student organization behavioral concerns that require partnerships with internal and external partners to address the students' holistic needs. This unique responsibility is guided by applicable state and federal law, such as the Family Educational Rights and Privacy Act (FERPA). To support this responsibility, ASCA recommends that student conduct offices build meaningful, collaborative, and purposeful relationships across campus with clearly defined responsibilities and roles. Purposeful partnerships can be cultivated by:

- Establishing a shared understanding of key responsibilities of student conduct offices and campus partners for supporting students. Student conduct offices should consider both informal and/or formal means of detailing the relationships and responsibilities between the student conduct office and campus partners, such as the use of a Memorandum of Understanding (MOU) or a Standard Operational Procedure (SOP).
- Both MOUs and SOPs outline the procedural nature of how to navigate student needs when two or more offices are involved. Either of these methods should outline who will be responsible for what, what support will be provided by the offices involved, how information will be shared, how to manage the flow of communication with each other and to involved students, what are the applicable policies, who are appropriate points of contact, and who should be involved in the decision-making aspects of the work.

ADMISSION REVIEWS POSITION STATEMENT

As part of the admissions process, many institutions require applicants to disclose previous incidents involving criminal and/or institutional misconduct. These requirements may vary in scope and in the level of information being requested, as these requests are often impacted not only by state laws but by additional institutional policies.

Historically, these questions have been used as a means to exclude individuals from their ability to pursue higher education under the premise of preserving the safety of the institutional community. Under the Obama administration in 2016, the Department of Education attempted to assist institutions with this issue by publishing the Beyond the Box Initiative. The guidance provided items for institutions to consider and implement to reduce barriers that these disclosures may have on individuals who made mistakes and are now seeking higher education opportunities.

ASCA promotes a principle of **beneficence** in demonstrating equal consideration to individuals regardless of status or position. In the context of admission reviews, this demonstration should not include an overarching denial based on a specific type of disclosure; however, it should provide applicants with a platform to provide additional information as they are more than just another name on an application.

Knowing that historically marginalized populations experience disparity relating to the criminal justice system as well as potentially institutional misconduct systems, it is imperative to develop a review system that provides an equitable review of the disclosed misconduct. We offer these recommendations to assist in the review process:

- Utilize the information obtained from these disclosures as one aspect of the evaluation of an applicant similar to the use of test scores (if applicable), personal statements, academic performance records, and letters of recommendation.
- Delay requesting this information until determining that an applicant is academically admissible.
- Ask questions that do not use ambiguous terms (i.e. requiring applicants to disclose ‘other crimes’ ‘were you ever subject to disciplinary action’), Inform applicants what types of disclosures are not required (i.e. sealed and/or expunged records, incidents in which they are found not responsible), and that focus on findings of responsibility, not on arrests, referrals and incidents where applicants are found not responsible.
- Provide specific information and include examples for how applicants should respond to the questions and what information will be needed to accompany any disclosures.
- Provide applicants the opportunity to elaborate on the details of their disclosure(s) and also their educational goals in spite of this disclosure.
- Train staff who are reviewing and making determinations on what the disclosed information means and how the information should be evaluated (e.g., institutional dean certifications, clerk of court dispositions, military court martial records, and juvenile records, etc.).

FREEDOM OF SPEECH POSITION STATEMENT

Exchange of ideas and learning from experiences different from one’s own are foundational concepts from the first idea of a university. Post-secondary organizations have been (and continue to be) involved in, host to, or affiliated with defining moments of free expression and the development of protected speech in the US. These moments, and the understanding derived from them, allow for ASCA and its members to take purposeful action toward equity, inclusion, and sense of belonging.

Protected speech may also create harm for impacted students and communities. Tax-supported post-secondary institutions, and private institutions who incorporate free speech principles into their institutional policies, absolutely have compliance obligations related to free expression, and ASCA does not suggest these be subverted in any way. Additionally, we recognize that words can wound and that these moments of harm require primary attention to the impacts that these

instances of free expression can have on our campuses. ASCA encourages its members to champion our values of **Equity & Intentional Inclusion** and **Belonging** when navigating these moments within your institutions.

Beyond responding to moments of harm, ASCA supports campus leaders' cultivation of critical feedback from the students we serve. As professionals with investigative experience, we should seek out and listen to these experiences with the intent to improve responsiveness to these harmful moments. We also have a unique opportunity to translate what we learn from impacted people into active policy/process advocacy in order to balance protected expression with students' experiences in our communities. ASCA values the development of cultural humility, and that all feel supported in our professional home(s).

TITLE IX POSITION STATEMENT

Institutions are intended to be environments for individuals from various backgrounds and identities to come together to embark on the journey of learning. This transcends whether the environment is primary, secondary, or post-secondary education. Faculty, staff, and students should be able to engage in their educational pursuits and/or their career aspirations free from sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

The scope of Title IX has recently become more and more politicized and legalistic. From the 2011 Dear Colleague Letter to the present Title IX Regulations, there has been tremendous evolution in a relatively short period of time. The changes from each administration have had lasting impacts on the work we do and the campus communities we serve. ASCA recognizes the reality of how elections and new political administrations impact Title IX regulations. With this in mind, ASCA is dedicated to inform the association and its members of these changes as they happen.

In our work, we interact with Complainants and Respondents at one of the most vulnerable times in their lives. Practitioners should practice **non-maleficance**, one of ASCA's core principles, in every aspect of their work, especially in Title IX matters. We should meet each party with compassion and avoid causing harm to them by asking challenging questions in a manner that respects the gravity of the situation and the person interviewed.

While Title IX has specific parameters that carry the weight of the law, practitioners should employ the principle of **beneficence**. Specifically, "members shall conduct their professional duties and responsibilities in a manner that complies fully with applicable law and demonstrates equal consideration to individuals regardless of status or position," ([ASCA Principles and Practices](#)). The implementation of equitable processes is a centerpiece for doing Title IX work. Regardless of the political affiliation of the administration in charge, professionals in the field have a responsibility to uphold this in every decision they make.

Parameters within Title IX regulations should not be viewed as the limit to all that can be accomplished. These parameters should be viewed as the floor, not the ceiling, for reducing harm and promoting each party's welfare. We have the ability to add to the requirements set forth in Title IX regulations to equitably enhance a party's access and involvement within our processes. To do anything less may impact not only parties in the moment, but also the confidence of those who may seek to engage in our processes in the future.

RECOMMENDED FOLLOW UP ACTION:

The Task Force members recommend the Content Advisory Committee be responsible for the upkeep of current and development of new position statements. Additionally, the Task Force recommends the aforementioned group prioritize the following future position statements to be added: 1) the importance of having a conduct system, and, 2) adequate staffing models.