

Memorandum

November 14, 2013

TO: President's Working Group on Sexual Assault & Harassment

FR: Kristen Grainger & Margaret Trout, co-chairs

RE: Prospective Students

Following up on our discussion at the President's Working Group's October meeting, here is a very general summary of Willamette's current practices as regards detecting individuals whose previous conduct records indicate that they may present a potential threat to the campus community, as well as disclosure of disciplinary records of Willamette students applying to other schools. (FYI: Michael Beseda and Ramiro Flores from CLA Office of Admissions have agreed to be available to answer questions at our November meeting.)

Practices vary across the colleges and schools at the university, as follows:

COLLEGE OF LIBERAL ARTS (CLA)

CLA Admissions asks (via the Common Application) all first-year and transfer students to disclose information about their disciplinary records, and we also request through the registrar at the student's prior institution that the registrar, dean of students or equivalent at the student's high school (for first-year applicants) or former institution (for transfers) complete a form about the student's disciplinary history. Examples of the applicant question and the disclosure form were previously emailed to the working group in October, and are also part of this meeting's materials.

If this screening process reveals disciplinary issues of any kind, the student's application is automatically submitted for further review and consideration by the Admissions Committee. Any disciplinary issues revealed *after* a student has already been admitted but before he or she arrives on campus are brought to the attention of the VP for Enrollment & University Communications who is currently authorized to rescind the decision to admit the student.

CLA does not yet have a policy defining the moment at which a student has left the domain of Admissions and entered the realm of Campus Life, at which point the student Code of Conduct would apply in addressing negative behavior.

The CLA letters of admission include a phrase that speaks to the responsibilities of Willamette citizenship as a condition of the offer of admission.

Willamette assumes students are truthful on applications. If students say they took a gap year, Admissions does not currently take steps to confirm they have not been enrolled at another institution from which they may have been suspended or dismissed (plus, there is no easy or comprehensive way to do this, although checking the National Student Loan Clearinghouse documents more of these students than they used to). CLA Admissions staff estimates that approximately 2% of applicants have taken a gap year.

Transferring elsewhere: Willamette's Office of the Registrar handles requests for transcripts and other student records from colleges and universities who are processing applications from students previously enrolled at Willamette. (For example, they receive from other colleges the same Common Application disclosure form that we require of prospective students transferring to Willamette). Transcripts are academic records and therefore do not contain conduct or disciplinary records, but when a disciplinary records disclosure form is received, the University Registrar contacts staff in the Office of Student Rights and Responsibilities (formerly known as the Student Conduct Office) in Campus Life to obtain and disclose information about students' disciplinary records.

University Registrar Laura Jacobs Anderson indicated that she seldom, if ever, receives requests from graduate or professional schools for Willamette students' undergraduate disciplinary records.

COLLEGE OF LAW (WUCL)

As part of a student's application for admission to WUCL, whether an undergraduate, transfer law student or an LLM student applicant, they are required to report any academic problems (being put on academic probation or having previously been found academically ineligible to continue), as well as any college disciplinary issues, and any criminal conduct issues.

Associate Dean Daniel Santos notes that, "In reality, the process for undergraduate applicants is on an honor system basis as undergraduate schools send transcripts but do not send in conduct/disciplinary information. Furthermore, these applications do not have criminal background check info either. There is a sanction available to law schools to remove students who do not fully report on these matters (and LSAC - Law School Admissions Council - also sanctions such students by flagging those students' application files as non-compliant)."

For transfer students, WUCL requests and it is requested of WUCL that letters of good standing be sent from the student's initial school to the receiving transfer law school. These letters of

good standing focus on academic good standing but can also be used to explain honor code or conduct issues. As noted above, the transfer applicant student is required to report in their application to the receiving school any past academic, conduct, or criminal issues.

When questions or honor code/conduct issues arise (either at a student's undergraduate institution or because they disclose a criminal record), the Admissions Office takes a much closer look at the application for two reasons. First, to determine whether that student merits admission given those conduct issues, and second because the College of Law must abide by American Bar Association Standard 501 Admissions "(b) A law school shall not admit applicants who do not appear capable of satisfactorily completing its education program and being admitted to the bar."

It is the latter part of this standard that causes WUCL to advise students that if their conduct is of a serious enough nature, that they are likely to be questioned by a state's board of bar examiners about that candidate's character and fitness to practice law in that state. WUCL always advises such applicants that admission to a law school is no guarantee that a State Bar will automatically admit them, and always suggest that they contact the bar of the state in which they may be interested.

Therefore, when these conduct issues come up, the admissions staff at WUCL raises the level of scrutiny of these applications to the Dean's Office, where Associate Dean Danny Santos considers the issues. If collectively Admissions and Associate Dean Santos still have an interest in admitting the student, he advises Dean Bridgeman and Associate Dean Williams of the situation so that the leadership team is well aware.

Some applications are pretty straightforward, such as denying applications from people with sex offenses, others are more in the gray, a past DUII, or perhaps criminal conduct from 10 years ago and a stellar record since then, etc. WUCL is not aware of any one of its graduates that has been denied admission to the bar based on their prior conduct.

Associate Dean Santos expressed concern that there may be instances in which students may not be reporting certain conduct issues, and the hesitation by undergraduate schools (and in the case of transfer students, law schools) to disclose information because of FERPA concerns.

However, as he asserts, FERPA permits disclosure of such information: Model Notification of Rights under FERPA for Postsecondary Institutions - "A postsecondary institution may disclose personally identifiable information (PII) from the educational records without obtaining prior written consent of the student - to officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the

student's enrollment or transfer, subject to the requirements of Section 99.34 [Section 99.31(a)(2)].”

ATKINSON GRADUATE SCHOOL OF MANAGEMENT (AGSM)

AGSM admissions staff indicated that they do not ask applicants about behavioral/conduct issues at their undergraduate or previous institution. Although this may have been a relatively common practice years ago, AGSM Associate Dean Judy O’Neill indicated that there are not many management or business schools that ask that question at present. So needless to say, AGSM, which processes limited transfers anyway, does not receive any requests from other institutions about a student’s conduct while he or she was enrolled at AGSM.

Possible issues to consider:

- Define when CLA admitted students officially become Willamette students?
- Should CLA Admissions routinely check (to the extent it’s possible) to determine whether first-year CLA applicants who are older than most of their peers were previously enrolled elsewhere but not disclosing it?
- Develop a waiver similar to the Common App’s for graduate school applicants that requests disclosure of conduct records from their undergrad institutions?
- Other issues?