



## Disciplinary Transcript Notations: A Year in Review and Discussion

### Panelists:

- William Gil, AACRAO
- Brad Myers, Ohio State University (retired)
- Amelia Parnell, NASPA
- Bart Quinet, Vanderbilt University
- Kristi Wold-McCormick, University of Colorado Boulder

Monday, March 26, 2018, 10:30 am – 11:45 am

Session ID 6978

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# Session Rules of Etiquette

- Please silence your electronic devices.
- Please complete the session evaluation using the AACRAO mobile app or the paper form in your registration packet, drop boxes are available throughout the convention center.
- If you must leave the session early, please do so as discreetly as possible
- Please avoid side conversation during the session

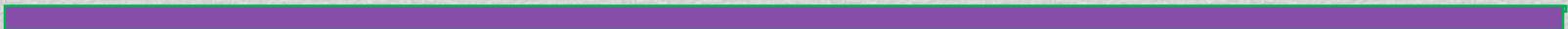
Thank you for your cooperation!

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# Introduction

- Brief historical overview
- AACRAO work group recommendations
- Review of NASPA's and other associations' positions
- Update on AACRAO activity and legislation
- Progress on campuses
- Open discussion





## Learning Outcomes of this session:

- Gain a broader understanding of the varying perspectives and issues related to disciplinary notations on transcripts.
  - Become better prepared to engage in campus-level discussions when considering/formulating policies and procedures related to disciplinary notations on transcripts.
  - Foster discussions that may lead to more commonly shared professional standards and streamlined business practices related to campus notifications.
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## Historical Overview

- 1950s - Earliest published articles and AACRAO stances.
  - Until 1970s, general support, common practice for recording disciplinary sanctions on transcripts (before databases/SISs)
  - 1980's - 2016, AACRAO recommended against noting disciplinary sanctions on transcripts.
  - 2016 *Academic Record and Transcript Guide*: 'Disciplinary Suspension or Ineligibility to Re-Enroll:'
    - Essential in database
    - **Optional on Transcript**
    - **Essential on transcript if mandated by state law**
  - 2016-2017 AACRAO Work Group formed, report published
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## AACRAO Work Group

- **Kristi Wold-McCormick** (Chair), Registrar, University of Colorado Boulder
  - **Lisa Dougherty**, UGRD/GRAD Admissions Director, Virginia Commonwealth Univ.
  - **Susan Hamilton**, Asst. VC, Acad/Student Affairs, Rutgers Univ.-School of Medicine
  - **Brad Myers**, recently retired University Registrar, Ohio State University
  - **Nicole Pellegrino**, Registrar/Director of Acad Advising/Success, Wells College
  - **Bart Quinet**, University Registrar, Vanderbilt University
  - **Hope Reynolds**, Sr. Dir. of EM/Registrar, Virginia Tech Carilion School of Medicine
  - **Angelique Saweczko**, Registrar, University of Calgary
  - **Tara Sprehe**, Interim Dean, Acad Foundations/Connections, Clackamas CC
  - **Shawn Sullivan**, Director of Student Development, Northcentral Tech College
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# Guidance Report

<http://www.aacrao.org/resources/trending-topics/disciplinary-notations>

Full Report = 'Notations Guidance' link

TRANSCRIPT  
DISCIPLINARY  
NOTATIONS





# Guidance Report

- Executive Summary.
  - Work Group Charge, Composition.
  - Context (Historical Overview, Campus Safety, FERPA).
  - Transcript Recommendations.
  - Recommended Verbiage for Notations.
  - Alternatives to Transcript Notations.
  - Disclosure/Retention of Notations.
  - Institutional Policies/Procedures Framework.
  - Admissions Considerations.
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## Work Group Considerations

- Level of professional consensus regarding disciplinary notations;
  - Pros/cons for institutions to consider in deciding about notations;
  - Need for institutional policies and practices;
  - Types of disciplinary infractions that might be noted;
  - Options and suggestions for the wording of disciplinary notations;
  - Retention and removal of transcript notations;
  - Alternatives for providing notifications of disciplinary suspensions or other safety concerns to transfer institutions;
  - FERPA and legal considerations related to disclosures.
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## Other Considerations

- Varying terminology, recording practices.
  - Insufficient, unclear information in notations.
  - Competing opinions (within and across professions).
  - Inconsistent or lack of institutional policies.
  - Mixed interpretations of AACRAO's stance.
  - Legal concerns (privacy, lawsuits, institutional liability).
  - Varying standards/definitions for misconduct.
  - Transcripts serve other purposes (e.g. employers).
  - Legislation.
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# Work Group Focus & Conclusion

- Initial focus was on the issues surrounding the use of disciplinary notations on student transcripts.
  - Work Group quickly recognized that the decision is embedded in the larger question of **whether institutions have a responsibility to notify** other institutions of potential threats to their communities from students they have suspended/expelled for serious misconduct.
  - Work Group **concluded that institutions do have this responsibility**, and that the means of notification may take a number of forms, including transcript notations.
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# FERPA Considerations

- Disciplinary records are education records.
- May share disciplinary information with other institutions under the following provisions:
  - When a student seeks or intends to enroll, or is enrolled, at another institution.
  - When an appropriate professional feels there is a legitimate “health or safety” threat to the student or other, including potentially at another institution.
  - When a student has been found in violation of a crime of violence or non-forcible sex offense in an institutional disciplinary proceeding.





# Key Recommendation #1

- Recognizing that the most egregious acts of misconduct may result in the involuntary separation of the student from an institution, and may indicate a pattern of behavior that might be repeated at a subsequent institution, some form of notice should be provided to a receiving institution when a student has committed serious behavioral misconduct (e.g. including, but not limited to, that defined by the Clery Act.)
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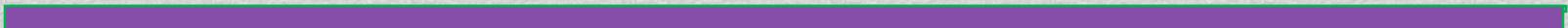
## Key Recommendation #2

- The academic transcript **is an appropriate means to support communication about serious student misconduct, but may not be the only means of notification.** A student's standing that impacts his or her eligibility to continuously enroll at an institution affects academic progress and, for this reason, is deemed transcript-appropriate.
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# Key Recommendation #3

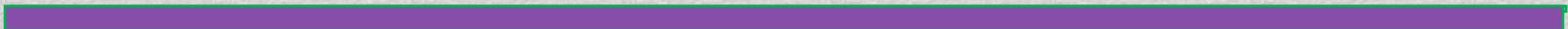
- If a college or university decides not to record disciplinary notations on official transcripts, the following alternatives might be considered by an institution:
  - Student Conduct Transcript
  - Dean's Certification Letter
  - Transcript Insert





## Key Recommendation #4

- As with academic probations and warnings, disciplinary probations and warnings for minor violations that don't result in a mandatory separation from an institution should not be noted on official transcripts or otherwise disclosed to another institution





## Key Recommendation #5

- Institutions should align as closely as possible in their use of standardized terms and definitions for various student sanctions or penalties for misconduct. Such separations are generally denoted by commonly used and understood language, including:
    - Expulsion or Dismissal – a permanent separation from the institution.
    - Suspension – a temporary separation, often for a specific period of time, from the institution with the option of a possible future return.
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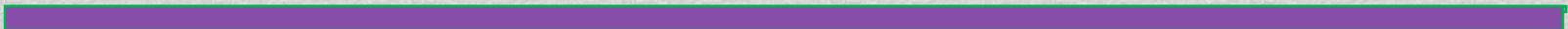
# Key Recommendation #6

- In cases of suspension, dismissal and expulsion (or the equivalent), transcript notations should include the following:
    - The general type of infraction -- academic or behavioral (e.g. disciplinary).
    - The department responsible for issuing the student separation from the institution (e.g. Office of Student Conduct).
    - Effective dates or date/term ranges of student separation from institution, if applicable.
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## Key Recommendation #7

- Institutions may record a “Pending Conduct” statement on transcripts while an investigation or hearing is planned or underway. The use of a hold to block the release of an official transcript until the investigation concludes may be preferable, but may also impact service to students.





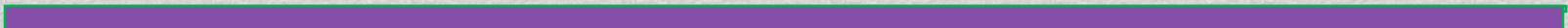
## Key Recommendation #8

- A special notation may be placed on the transcript when a student is permitted to withdraw while an investigation is underway. The standard suspension/expulsion notation should replace this special notation if the student is found in violation of the code and that special notation should be removed if the student is found to not be in violation. The use of a hold to block the release of a transcript until the investigation concludes may be preferable, but may also impact service to students.
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## Key Recommendation #9

- Transcript notations should be placed at the end of the semester/term in which the sanction occurs. Transcript legends (keys) should offer further explanation, as needed, and provide the reader with instructions on how/where to obtain additional information.





# Key Recommendation #10

- All institutions should have comprehensive policies and business processes that clearly document expected codes of student conduct, infractions, institutional review panels, sanctions, due process (appeal hearings), recordation and disclosure practices, and specific verbiage related to the retention and removal of transcript notations.
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# Key Recommendation #11

- Educational institutions that receive transcripts with disciplinary notations should have comprehensive and consistent admissions procedures in place to handle applicants with active sanctions at other institutions. No institution should apply negative consequences to a student whose record includes a disciplinary notation on his/her transcript without seeking or considering additional information.
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# Other Higher Ed Associations

- NASPA – Student Affairs Administrators in Higher Education
  - Association for Student Conduct Administration (ASCA)
  - National Association for College Admissions Counselors (NACAC)
  - Student Activism Groups
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# Student Affairs Considerations

- **Length of time on record**
    - Impact on transfer; future employment
  - **Details of the notation**
  - **Level of severity of the conduct violation**
    - Plagiarism, for example
  - **Impact on restorative justice and rehabilitation**
    - Reintegrating into the campus community (after suspension)
    - Ban the Box
    - Process for determining whether the student (with a notation) should be admitted
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# AACRAO Update

- State and Federal Legislative Activities
  - AACRAO Criminal and Disciplinary History in Admissions Workgroup
  - Department of Education Actions
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## Legislative Update

- Disciplinary Notations on Transcripts is mandated in Virginia and New York.
- Several other states, including California, Colorado, Maryland, Pennsylvania, and Texas, considered but did not enact similar legislation.
- Federal ‘Safe Transfer Act’ (Congresswoman Speier, D-CA)
  - Died in 2016 session; Nothing in current Congress



## Legislative Update

### 115<sup>th</sup> Congress – HEA Reauthorization

- House PROPER Act
  - Nothing on Disciplinary Notations
- Senate Actions
  - No movement on Disciplinary Notations
  - Ban the Box Legislation – Sen. Schatz, Durbin, Booker
    - Letter signed by 18 Democratic Senators to Common App, ACE and APLU
    - The states of Maryland, Louisiana and Washington have removed Criminal Justice Involvement (CJI) questions on the application for public universities



## New AACRAO Work Group

- After the report from the *Transcript Disciplinary Notations Workgroup*, AACRAO identified the need to provide guidance to Admission professionals as part of the admission process.
  - In January 2018, the AACRAO Board approved the creation of the *Criminal and Disciplinary History in Admissions Workgroup*.
  - Call to membership in early March; Deadline for application is April 4.
  - The workgroup will review the *Transcript Disciplinary Notations* report and develop guidance related to the receipt of transcripts with disciplinary notations or other notifications of disciplinary infractions at previous institutions, for the college admission process.
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## New AACRAO Work Group

- Co-Chairs will be Phil Ballinger, Associate Vice-Provost for Enrollment Management, University of Washington, and Lee Melvin, Vice Provost for Enrollment, University of Buffalo.
  - Tammy Aagard will serve as the Board Liaison.
  - External organizations that have been invited to be part of the workgroup include: NACAC, NACUA and NASPA.
  - Will meet over the next year and provide report in 2019.
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## Department of Education (DOE) – Title IX

- In September 2017, DOE rescinded two guidance documents issued by the Obama administration in 2011 and 2014.
  - At the same time, DOE issued a set of interim guidelines for colleges and universities on the handling of sexual harassment and assault.
  - It said it would eventually issue a new federal regulation on Title IX gender discrimination, although few details have emerged since.
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## DOE Changes in Guidelines

- Colleges can apply either a preponderance of evidence standard or a clear and convincing evidence standard to reach findings about alleged misconduct.
  - There is no fixed time frame under which a school must complete a Title IX investigation.
  - Campuses may opt to set an appeals policy that allows appeals by both parties or by accused students only.
  - Colleges may facilitate an informal resolution, such as mediation, where they see appropriate.
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## Reaction to Changes in DOE Guidelines

- Advocates for survivors of sexual assault opposed new guidelines, saying they lean toward protecting the accused, rather than victims.
  - Some higher education organizations were receptive to the flexibility in resolving misconduct complaints.
  - Longtime critics of the Obama administration's guidance praised the Department's focus on fairness for accused students
  - In January 2018, three public interest law groups brought a lawsuit against the DOE in an attempt to reverse new campus sexual assault policies.
  - The lawsuit argues that the new federal guidance on Title IX law discriminates against survivors of sexual violence on campus.
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# Progress Discussion/Questions

- What is happening on your campus/state?
  - Is there more/less interest or awareness on this issue?
  - Who is initiating or leading conversations?
  - Are there clear policies for behavioral misconduct (including Title IX and honor code violations)?
  - Are admissions protocols in place?
  - What do AACRAO members need or desire from the association on this issue?
  - How do we unify various impacted professions and associations?
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# Thank You!

Additional feedback may be sent to:  
[kristi.woldmccormick@colorado.edu](mailto:kristi.woldmccormick@colorado.edu)

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