



ATIXA Position Statement in Favor of Notation of Expulsion and Suspension on College and University Transcripts

Founded in 2011, ATIXA is the nation's only membership association dedicated solely to compliance with Title IX and the support of our more than 4,000 administrator members who hold Title IX responsibilities in schools and colleges. ATIXA is the leading provider of Title IX training and certification, having certified more than 2,500 Title IX Coordinators and more than 5,000 Title IX investigators since 2011. ATIXA releases position statements on matters of import to our members and the field, as authorized by the ATIXA Board of Advisors. For more information, visit www.atixa.org.

Expulsion

ATIXA's Board of Advisors has adopted this position statement in favor of transcript notation for any student expelled for any act of intimate partner violence, stalking and/or sexual violence. By definition, any student expelled for being too dangerous to continue to attend a college is someone whose misconduct should be known to future institutions into which that student might seek to transfer. ATIXA calls on all colleges and universities to adopt a policy on consistent and mandated transcript notation for all such expulsions.

Suspension

ATIXA also supports the notation of suspension for any act of intimate partner violence, stalking and/or sexual violence as a discretionary decision within the authority of an institution's Title IX Coordinator or other appropriate officials, to be decided on a case-by-case basis, during the term of the suspension and/or thereafter.

Withdrawal Pending Resolution

ATIXA calls on all institutions of higher education to implement a policy providing for the discretion to notate a transcript to indicate that a student withdrew while allegations of intimate partner violence, stalking and/or sexual violence were pending.

Athletic Eligibility

Further, ATIXA calls on all collegiate athletic conferences and governance organizations to implement policies that restrict a transferring student's eligibility to play when that student has been suspended, expelled or has withdrawn pending resolution from any previous institution for any act of intimate partner violence, stalking and/or sexual violence.

Training for Admissions Officers

ATIXA calls on Title IX Coordinators to train college and university admissions officers to detect gaps in transcripts that are telltales of allegations of misconduct, and to refer all such applications to the Title IX Coordinator for secondary admissions screening.

Application Screening Questions

ATIXA calls on all colleges and universities to implement application screening questions intended to help admissions officers to screen applicants for past misconduct that may represent a future threat of harm or violence to the college community. In states utilizing the Common Application, consider including such questions on any secondary applications to colleges or departments. Admission application screening should be implemented using non-discriminatory methods that minimize adverse impact on any particular ethnic, racial or other minority or historically disadvantaged population.

Rationale

ATIXA supports a simple designation of “Disciplinary Expulsion,” “Disciplinary Suspension” or “Withdrawal Pending Conduct Resolution.” These designations are sufficient to serve as a flag to future institutions to inquire further without specifying the specific nature of the offense on the transcript.

With a transcript notation in place, a school considering an applicant for admission receives a “flag” indicating that a risk may exist, independent of whether the applicant has disclosed this information voluntarily as a part of the application process. Without a transcript notation, colleges and universities in many cases have no way to determine that further inquiry may be warranted.

The transcript notation affords the receiving campus the opportunity to inquire of the transferor’s campus the circumstances that led to the student’s permanent or temporary removal or withdrawal. Once it has the full context, the institution to which the student is transferring is then in a better position to make an informed decision for the good of the entire community.

ATIXA does not suggest that students be excluded from admission solely on the basis of notation, but that colleges and universities should be empowered by the tool of transcript notation to make more informed vetting decisions on the eligibility of any candidate for admission. Because transcripts most often pass directly between schools, the transcript offers the sole opportunity for information to be shared without a student’s interference.

ATIXA’s support for transcript notations arises primarily from students’ continuing patterns of misconduct as they transfer between institutions. Some examples are illustrative.

In one well-known case, a female student was raped by multiple male students after a prominent basketball player invited them over to “run a train” on her. That player had been reported for involvement in sexual groping and sexual harassment while a student at two previous institutions. In another example, a university admitted a former football player from another university with known domestic violence issues, and then cut him from the team when he reoffended. In another example, a university admitted a basketball player who previously had been accused of sexual assault and suspended from another college, and that player was subsequently suspended as a result of another sexual assault. That player now attends yet another college. The two other players dismissed as a result of the same incident have also been admitted to, and are playing basketball for, new schools.

Most recently, questions have swirled around what a university knew about a football player just convicted of sexual assault when it admitted him, specifically whether it knew the player had been accused of violence directed at a girlfriend while he was at his previous institution. These cases are not anomalous, and represent a pattern that is re-enacted in higher education dozens of times each year.

Recognizing the role “special admits” may have when it comes to student athletes who are not academically eligible for admission, these cases reinforce the idea that pattern behavior exists, and that receiving schools should have the opportunity to evaluate a transfer student fully, which includes evaluating the risks that student may pose to students and employees. While the examples we have provided pertain to athletics, the transcript notation affords that opportunity, not just with athletes, but with all transferring students.

The lack of universal or consistent standards for defining and imposing sanctions for misconduct across colleges, although a concern, does not serve as an impediment to ATIXA's endorsement of transcript notation. Transcript notation does not need a universal standard to be effective as a tool for an institution to be informed and engaged in the collection of additional information. Moreover, ATIXA believes that noting ineligibility to re-enroll reflects a student's progress and standing at a school, and appropriately belongs on an academic transcript. If a student cannot attend classes that is, at its core, an academic issue.

Some opponents of notation argue that a transcript notation serves as a permanent scarlet letter for a student and could forever disadvantage them in both the academic and employment sectors. The argument often notes that colleges and universities should educate, not punish. They argue that the preponderance of evidence is too minimal a standard to prove that misconduct occurred. Others argue that notation is potentially defamatory, yet the truth that results from a thorough, reliable and impartial campus investigation is a defense, as is the non-specific nature of the notation. There is also concern about institutional liability for tortious interference with a student's future prospects. No doubt, colleges and universities face a liability balancing act; either they have failed to notify other institutions and employers about a potential risk or they disadvantage someone who has been found to have committed grave misconduct. ATIXA suggests that colleges and universities should err on the side of ensuring safety.

Conclusion

One of the most crucial lessons institutions can teach is that actions have consequences, both short and long-term. Higher education should teach that if serious misconduct occurs, a record is not simply erased by a well-timed transfer between institutions. Higher education does not exist in a bubble, immune from the ills of the rest of the world; higher education is very much part of the world and has ethical obligations to ensure that the college experience on the whole is a safer one for students and employees.

It is ATIXA's formal position that the safety and well being of students and employees will be greatly enhanced through the transcript notation practices encouraged in this position statement.

This statement has been ratified by the ATIXA Board of Advisors, September 22nd, 2015.

ATIXA
· 1109 Lancaster Avenue · Berwyn, PA 19312 ·
Phone: 610-644-7858
Fax: 610-993-0228
www.atixa.org