Risk Management and the Admissions Process

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Overview

- Often, schools do not involve the Admissions Office in risk-management efforts, and do not systemically evaluate the risks associated with the admissions process.
  - Today, Admissions involves balancing legal, public policy, educational, and administrative considerations.
  - Discussion of risks has most frequently focused on affirmative action.

- EERE Doctrine
  - “Everything is related to everything else.”

- Who we recruit and admit impacts our culture greatly.
Agenda

- Recruiting practices
  - Tour guides and on-campus escorts
  - Campus visits/weekend programs
  - Athletics
- Admissions counselors
- Social media – relationships
- Background checks
- Some other process risks

Campus Tours

- Accuracy
  - Related print and web materials
  - What messages are being delivered? And by whom (or what)?
  - Beware of promises
    - Fraudulent inducement
    - Breach of implied contract
- Training professional staff and student tour guides
Case Break

- *Baker v. LSU Health Sciences Center Institute of Professional Education*, 889 So. 2d 1178 (La. App. 2d Cir. 2004).

- As part of the admissions process, plaintiff was interviewed by two faculty members. Plaintiff contends one faculty member encouraged him during to obtain a masters degree to “facilitate” his admission to the medical school. Plaintiff obtained a masters degree, but was then denied admission to the medical school.

- “This allegation, even if true, does not amount to a misrepresentation of fact. According to the allegation as written, [the faculty member] merely represented to the applicant that a masters degree might make it easier for [him] to gain admission to a future class. Further, we find that, if [the applicant] relied on this representation as a guarantee of future admission once a masters degree was obtained, that reliance was not justifiable by any reasonable standard.”

Campus Tours

- Response to disability services/disabilities

- Professor visits

- Interview locations

- Possible physical/facilities risks?
Campus Visit Programs

- Risk-management procedures related to college-sponsored campus visit
  - Bus trip to campus
  - Food service
  - Guidance counselor responsibilities
  - Supervision

- Bringing students in from high-risk areas and community colleges

Overnight Visits

- Minors visiting campus
  - Parental consent/waivers/medical consent form

- Visitor guidelines
  - When visit will be terminated

- Application of discipline codes to visitors (e.g., revocation of admission)

- Host roles and responsibilities
  - Transportation

- Residence halls
  - Safety/access/room locks/bathroom access

- Fraternity and sorority roles
  - Campus parties and inclusion
Athletics Admissions

- Cheerleaders
- Parties
  - *Simpson v. Colorado*
- Academics
- Promises
- NCAA Rules
- Required training session for all coaches

Resource

Parents

- Who are you recruiting?
- Privacy rights apply?
- Who should participate in an interview?
- Recruitment materials
- Collaboration

Hiring Admissions Counselors

- Process
- Full interviews
- Background checks
- Academic backgrounds
- High-school visit program protocols and etiquette
- Training and supervision
- Using school gym/fitness facility
- Responding to ADA-type questions
- Using private cell phones
Social Media

- Web 2.0
- “Friends” v. Groups
- Chat Rooms
- Text
- Roles and responsibilities of admissions counselors
- Students as tele-counselors
- Administrative staff
- Authenticity
  - Cybersquatters (e.g., 2008 College Prowler incident)

Criminal Background Checks for Applicants or Admitted Students
Current Practices and Trends

- Application questions
  - Undergraduate
    - All v. admitted and/or selective (e.g., “red flags”)
    - Athletes
    - Residence halls
    - International students
  - Graduate and Professional schools
    - Those who will work with vulnerable populations
- Required by law
- Urged or required by professional associations

Competing Interests

- Campus safety v. impact on applicant
- Theories of potential legal liability against the institution
  - By the applicant
  - By an injured party
Application Questions

- Arrests?
- Sealed or expunged records
  - Impact of Internet
- Juvenile records
- Time and geography
- Licensing agencies (e.g., board of bar examiners)
- Additional information needed to increase accuracy (e.g., full name; fingerprints)
- Disclosure and consent/authorization

Administering Background Checks

- “Informal” background checks on the Internet (e.g., “Googling,” Facebook, etc.)
- Vendors
- Checks after withdrawals and leaves
- Consequences of admitting, or not admitting, an applicant with a criminal record
- Cost/Expertise
- Policies and process
Other Process Risks

- Conflicts of interest
- Inappropriate relationships between staff and applicants
- Inappropriate gifts/bribes/influence
- Dangerous materials/substances in hard-copy admissions submissions
- Viruses contained in electronic communications from potential students
- Data loss and security breaches
- Lost or misplaced files or portions of files
- Mistaken communications (e.g., rejected students told they are admitted)
- Financial and resource risks associated with admitting too many or too few students
- Improper wait-list administration
- Discrimination
- Privacy violations

Final Thoughts

- Self-audit of admissions process?
- AACRAO for outside consultants
- Integrate Admissions into campus-wide risk management processes
  - Collaboration is key
- Training, training, training, training
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