

Risk Management and the Admissions Process

2010 National Conference on Law and
Higher Education

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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



Tour guide "Barry Manilow,"
Road Trip (2000)

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

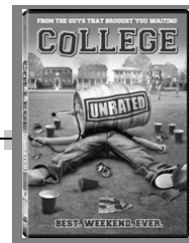
- Response to disability services/disabilities
- Professor visits
- Interview locations
- Possible physical/facilities risks?

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



The Blind Side (2009)

Resource

- Heather J. Lawrence et al., *NCAA Division I Recruiting: Identifying and Mitigating Institutional Risk Associated with the Official Visit*, 18 J. Leg. Aspects Sport 89 (2008) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1496675).

Parents

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



College Road Trip (2008)

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

Speaker Contact Information

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