WHAT DO LAWYERS HAVE TO DO WITH INTEGRITY?

WORKING WITH THE LAW, AND, YES, LAWYERS, TO ACHIEVE IT

Steve McDonald, General Counsel, Rhode Island School of Design
Jennifer Papillo, Associate General Counsel, University of Vermont
George Tetler, NECHE Commissioner, Moderator

2019 New England Commission of Higher Education Annual Conference
DISCLAIMER!

Always read the fine print:

- We are lawyers
- But we are not your lawyers
- This is general information, not legal advice
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The institution subscribes to and advocates high ethical standards in the management of its affairs and in its dealings with students, prospective students, faculty, staff, its governing board, external agencies and organizations, and the general public. Through its policies and practices, the institution endeavors to exemplify the values it articulates in its mission and related statements. In presenting the institution to students, prospective students, and other members of the public, the institutional website provides information that is complete, accurate, timely, readily accessible, clear, and sufficient for intended audiences to make informed decisions about the institution.
THE LAW AND LAWYERS
AN OWNER’S MANUAL
Insert favorite joke here:

- The problem with lawyer jokes is that lawyers don’t think they’re funny, and nobody else thinks they’re jokes . . . .
- 99% of the lawyers make the rest of us look bad . . . .
THE OFFICE OF NO?

Can: What is Possible

May: What is Permissible

Must: What is Required
YOU MAKE THE CALL

- The good news:
  - The law gives us considerable discretion
  - We get to make a choice

- The bad news:
  - The law gives us considerable discretion
  - We have to make a choice

- Not making a choice is making a choice, to accept the status quo
THE OFFICE OF NO?

Can: What is Possible

May: What is Permissible

Should: THE POLICY ZONE

Must: What is Required

Should: THE POLICY ZONE

Can: What is Possible
DECISIONS, DECISIONS

- Law
- Risks
- Benefits
- Costs
- Values
- Relationships
- Public Relations
- Practicalities
- ...

...
Risk is something to be *managed*, not *avoided*

- Risk includes not only the bad things that might happen if you proceed, but also the good things that won’t happen if you don’t proceed

- Gray areas are just as gray from the other side, and therefore just as risky for the other side
  - Why cede that whole space to the other side?

- “Pigs get fed, but hogs get slaughtered”
ADVICE AND CONSENT

- Lawyers give advice, not orders
- Ask not: Can (may) I do X?
- Administrators make decisions and choices
- Ask: How can (may) I do X?

Lawyers don’t make your decisions.
Lawyers help make your decisions better.
Your lawyer really isn’t trying to botch things up by raising issues

Your lawyer’s job is to be a professional pessimist, for your protection

Ultimately, most issues are questions of business and of risk management, and you make the call
THE LAW OF HIGHER EDUCATION
AN OVERVIEW
## WHAT WE ARE

### How We Think of Ourselves
- Educators

### In the Eyes of the Law
- Educators
- Employers
- Landowners
- Landlords
- Restaurants
- Retailers
- Entertainment Facilities
- Fitness Clubs
- Power Plant Operators
- Hazardous Materials Handlers
- Health Care Providers
- Banks
- Internet Service Providers
- ...
PART I—GENERAL HIGHER EDUCATION PROGRAMS
Higher Education Act of 1965

(P.L. 89–325)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Higher Education Act of 1965”.

TITLE I—GENERAL PROVISIONS
PART A—DEFINITIONS


(a) INSTITUTION OF HIGHER EDUCATION.—For purposes of this Act, other than title IV, the term “institution of higher education” means—

(1) an educational institution in any State that—

(i) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(ii) is legally authorized within such State to program of education beyond secondary education;

(iii) provides an educational program for which it awards a bachelor’s degree or provides not less than a 1-year program that is acceptable for full credit toward a degree;

(iv) is a public or other nonprofit institution; and

(v) is accredited by a nationally recognized agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such agency or association that has been recognized by the Secretary of Education as meeting the standards for preaccreditation.

(b) ADDITIONAL INSTITUTIONS INCLUDED.—For purposes of this Act, other than title IV, the term “institution of higher education” also includes—

(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation that meets the provisions of paragraphs (1), (2), (4), and (5) of subsection (a); and

(2) a public or nonprofit educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons who are beyond the age of
<table>
<thead>
<tr>
<th>Compliance Requirement</th>
<th>Compliance Organization</th>
<th>Description of Requirement</th>
<th>Responsible Department</th>
<th>Responsible Party</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>FISAP (Fiscal Operations Report and Application to Participate)</td>
<td>US Department of Education</td>
<td>Fiscal Operations Report for program participation during the previous year. Application to Participate in the three campus-based programs (Federal Perkins Loan, Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS)).</td>
<td>Financial Aid</td>
<td>Director, Financial Aid</td>
<td>Annually, due by 10/1</td>
</tr>
<tr>
<td>General Provisions relating to student assistance programs - Financial Aid and Institutional Information</td>
<td>Federal, State and local regulations</td>
<td>The institution must publish and make readily available to current and prospective students information on the entire Federal, State, local, private and institutional financial assistance programs available to them.</td>
<td>Financial Aid</td>
<td>Director of Financial Aid</td>
<td>No deadline, but September 1 is suggested</td>
</tr>
<tr>
<td>Graham Leach Billey</td>
<td></td>
<td>Requires the college to have a security plan to protect confidentiality and integrity of personal information. Privacy notices explaining an institution's information-sharing practices must also be provided.</td>
<td>Financial Aid</td>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>Form I-9, Employment Eligibility Verification</td>
<td>Department of Homeland Security U.S. Citizenship and Immigration Services</td>
<td>Employers are responsible for completion and retention of Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens.</td>
<td>Human Resources</td>
<td>Director, Employee &amp; Labor Relations (Financial Aid for work study students)</td>
<td>Within 3 business days of new hire start date.</td>
</tr>
<tr>
<td>Family Educational Rights and Privacy Act (FERPA)</td>
<td>US Department of Education</td>
<td>Protects the privacy of student education records at all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are &quot;eligible students.&quot;</td>
<td>Academic Affairs</td>
<td>Multiple Parties</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## CONSUMER INFORMATION DISCLOSURES AT-A-GLANCE

These charts provide a summary of School Disclosure Requirements (Non Loan Related and Loan Related), Related Activities from the FSA Assessments are also included in the first column, if applicable.

### Non Loan Related Disclosure Requirements

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Notice of Availability of Institutional and Financial Aid Information</td>
<td>All Participating Title IV Schools</td>
<td>34 CFR 668.41 (a)–(d), 34 CFR 666.42, 34 CFR 668.41</td>
<td>Notice distributed to each enrolled student</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each school must annually distribute to all enrolled students a notice of the availability of the information that is required to be made available to students under the Family Educational Rights and Privacy Act of 1974 (FERPA) and under Section 485(a)(1), Section 485(f), Section 485(g), Section 485(b) and Section 485(j). The notice must list and briefly describe the information and include a statement of the procedures required to obtain the information. For information listed in the notice that is disclosed on a school’s website, the notice must include the exact electronic address and a statement that the school will provide a paper copy upon request.</td>
<td></td>
</tr>
<tr>
<td>Contact Information for Assistance in Obtaining Institutional or Financial Aid Information</td>
<td>All Participating Title IV Schools</td>
<td>34 CFR 668.43, 34 CFR 668.44</td>
<td>Made available through appropriate publications, mailing, or electronic media</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each school must make available to prospective and enrolled students information regarding how and where to contact individuals designated to assist enrolled or prospective students in obtaining the institutional or financial aid information required to be disclosed under HEA Section 485(a)(1), Section 485(f), Section 485(b), and Section 485(j).</td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid Information</td>
<td>All Participating Title IV Schools</td>
<td>34 CFR 668.41 (a)–(d), 34 CFR 668.42, 34 CFR 668.43</td>
<td>Made available through appropriate publications, mailing, or electronic media</td>
</tr>
</tbody>
</table>
| | | Each school must make available to prospective and enrolled students information about:  
  - All the need-based and non-need-based federal, state, local, private and institutional student financial aid programs available to students who enroll at the school  
  - Terms and conditions of the Title IV, HEA loans  
  - Criteria for selecting recipients and for determining award amount  
  - Eligibility requirements and procedures for applying for aid  
  - Methods and frequency of disbursements of aid  
  - Rights and responsibilities of students receiving Title IV, HEA student Financial Aid, including criteria for continued student eligibility and standards for Satisfactory Academic Progress  
  - Terms of any loan received as part of financial aid package, sample loan repayment schedule, and the necessity for repaying loans |

Last updated November, 2016

Federal Student Aid Assessment Activities
The Clery Act requires institutions to disclose statistics for reported crimes based on:
- where the crimes occurred,
- to whom the crimes were reported,
- the types of crimes that were reported, and
- the year in which the crimes were reported.

This chapter identifies and breaks down the physical parameters of reporting and explains how to apply these parameters to institutions of different sizes and in different settings.

You must disclose statistics for reported Clery Act crimes that occur (1) on campus; (2) on public property within or immediately adjacent to the campus; and (3) in or on noncampus buildings or property that your institution owns or controls. The definitions for geographic categories are Clery Act-specific and are the same for every institution regardless of its physical size or configuration. It doesn't matter whether your campus consists of leased space in a strip mall, occupies 10 city blocks or consists of a couple of buildings on another school’s campus. "Clery Act geography" is defined the same way.

Understanding each of these geographic categories as defined by the Clery Act is vital to complying with the law. You must provide a breakdown of the statistics by category. You must disclose, for example, an Aggravated Assault that occurred on your campus, or on the public sidewalks in front of your campus or at a high school classroom in a nearby city that your institution owns the creative writing classes. Remember, location is the key here—crimes that don’t occur within your Clery Act geography are not included in your Clery Act statistics, even if your students or employees are involved. As you read through the description of each of the three categories, it may be helpful to create a list of the buildings and...
PREVIEW OF COMING “ATTRACTIONS”
“This is our General Counsel – he keeps us safe”
- We *help* keep you as safe as you *want* to be

**Approaches:**
- Central compliance office/“czar”
  - *(Not the lawyer – it’s a conflict of roles)*
- Steering committee of “usual suspects”
  - *(Including the lawyer, as a lawyer)*
- In either case, diffuse responsibility *and* authority
The Higher Education Compliance Alliance (HECA) provides the higher education community with a centralized repository of information and resources for compliance with federal laws and regulations.

Compliance News

**National Association of Student Financial Aid Administrators Analysis of the Department of Education's Final Accreditation Regulations (November 8, 2019)**

11/08/2019

**Notice of Proposed Rulemaking by the Department of Labor on Fluctuating Workweek Method of Computing Overtime (November 5, 2019)**

11/05/2019

Announcements

Welcome to the redesigned Higher Education Compliance Alliance (HECA) web site! The site features the same great content but has been redesigned to provide a more responsive and user-friendly user experience. We hope you find the site to be useful and informative.

Finally, if you would like to suggest content for the Compliance Matrix or otherwise offer feedback regarding this resource, we invite you to share your thoughts using the Contact Us section. We will consider your feedback as we continue to make updates. Thanks for your efforts to keep the website up-to-date!

http://higheredcompliance.org
## Academic Programs

### Age Discrimination Act of 1975
**Statute:** 42 U.S.C. §§ 6101-6107  
**Regulations:**  
- ED: 34 C.F.R. § 110  
- HHS: 45 C.F.R. § 90  
- NSF: 45 C.F.R. § 617

#### Statutory Summary
- Prohibits discrimination based on age in educational or academic programs or activities that receive federal financial assistance.
- Prohibits retaliation for filing a complaint with OCR or participating in a mediation or investigation of a violation, or for advocating for a right protected by the Act.

#### Reporting Requirements & Deadlines
- Not Applicable

#### Additional Resources
- Human Resources

### Americans with Disabilities Act of 1990
**Statute:** 42 U.S.C. §§ 12101-12213  
**Regulations:**  
- DOJ: 28 C.F.R. § 35  
- DOJ: 28 C.F.R. § 36  
- DOJ: 29 C.F.R. § 1640  
- EEOC: 29 C.F.R. § 1630

#### Statutory Summary
- Provides broad nondiscrimination protection in employment, public services, and public accommodations (including colleges and universities) for individuals with disabilities.
- Requires reasonable accommodations (e.g., a modification or adjustment to the status quo inherent in the program or activity) to allow a qualified person with a disability to participate fully in the educational or academic programs and activities of the university.

#### Reporting Requirements & Deadlines
- Not Applicable

#### Additional Resources
- Disabilities and Accommodations

### Higher Education Act: Institutional and Financial Assistance Information for Students
**Statute:** 20 U.S.C. 1092  
**Regulations:**  
- ED: 34 C.F.R. § 668 subpart D

#### Statutory Summary
- Among other things, requires the following annual disclosures to enrolled and prospective students:  
  - f) diversity statistics;
  - g) retention rates;
  - h) employment placement data; and
  - i) fire safety report;
  - c) transfer of credit policies;

#### Reporting Requirements & Deadlines
- No deadline is mandated, but October 1 annually is suggested.

#### Additional Resources
- HEA Compliance Obligations

### Higher Education Act: Textbook Information
**Statute:** 20 U.S.C. § 1015(b)  
**Regulations:**  
- ED: 34 C.F.R. § 600  
- ED: 34 C.F.R. § 668 subpart D

#### Statutory Summary
- Requires disclosure of the course schedule along with the International Standard Book Number (ISBN) of every required and recommended textbook and supplemental material and retail price information to all prospective and enrolled students.

#### Reporting Requirements & Deadlines
- No deadline is mandated, but October 1 annually is suggested.

#### Additional Resources
- HEA Compliance Obligations

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https://www.higheredcompliance.org/compliance-matrix
STRANGER THAN FICTION . . .

THE TOP 5 LEGAL ISSUES WE THINK YOU SHOULD KNOW ABOUT (TODAY)
STUDENT MENTAL HEALTH

- Upon arrival at Your Institution (YI), Student received information about YI’s Student Health Services.
- Experiencing the pressures of college, by October Student resumed cutting, a behavior that first started in high school.
- In January, Student overdosed on codeine medication and was hospitalized. Student’s treating clinicians recommended that Student engage in psychotherapy after discharge. Student met with a mental health counselor in Student Health Services. After discussing treatment options, it was recommended that Student accept a referral for weekly treatment outside YI; Student refused.
- In April, Student tells a Teaching Assistant about a bottle of sleeping pills they had obtained and intended to take, but decided not to.
As a senior level administrator being told this information, what's the first question you need answered?

Student should not be on campus. How do we place them on leave?

What is Yl’s reporting protocol? Student didn’t actually use the pills …

Can we call Student’s parents or guardian?

Is Student currently connected and safe?

Who deals with students in distress, because it’s not me!
More college students are seeking help for mental health, but what happens when there aren’t enough counselors?

STRAIGHT FROM THE HEADLINES

The Stanford Daily

‘Inhumane and deficient:’ student groups rally against ‘discriminatory’ leave of absence policies

Plaintiffs argue that Stanford has a “blanket practice” of pressuring students suffering from severe mental health issues into taking leaves of ...

Feb 21, 2019

M.I.T. Is Not Responsible for Student’s Suicide, Court Rules

Clemson student suicide case to go to trial next month

One in four adults live with mental illness in their lives, but many go years before getting help.

Feeling suicidal, she turned to her college. But it had just cut campus mental health services.
SEXUAL MISCONDUCT

- Jane Doe reports to your Title IX Office that she was sexually assaulted by John Roe in her off-campus apartment. Jane and John had been in a consensual relationship, and were engaged in a consensual encounter, but Jane felt that John had exceeded the scope of her consent.

- Following a detailed investigation, in which both parties had an opportunity to review and respond to the evidence, the investigator finds John responsible for sexual misconduct and suspends him for two years (at which point Jane will have graduated).

- John sues your institution and seeks immediate reinstatement, claiming that his due process rights were violated, because he wasn’t given an opportunity to see the investigator’s notes, to have a hearing by a panel of his peers, and to cross-examine Jane.
Your lawyer asks how you would like to respond to the lawsuit. What do you tell her?

Concede – We’ve clearly violated the new Title IX regulations.

Offer to settle – We’ll share all potentially exculpatory material and hold a panel hearing, but without direct cross-examination.

Full speed ahead – We followed our procedures to the letter, and John was treated fairly.

Ask someone else – I’ve just retired.
More Title IX Lawsuits by Accusers and Accused

Increased legal challenges place mounting pressure on universities' Title IX proceedings.

By Greta Anderson  // October 3, 2019

He Violated Sexual-Misconduct Policy. He’s Back in the Classroom. What Should the University Do Now?

By Emma Pettit  // November 15, 2019

In 2017 an essay written by a former graduate student dropped like a bombshell in the University of Texas at Austin’s English department.

The former student, Jenn Shapland, wrote in The Arkansas International about an unnamed professor who “first came on to me (after me?) in an email early in the semester I took his required class, telling me ‘You write like a dream.’”

They flirted by email and started having sex, Shapland wrote. Then, it ended, and

Students Accused of Sexual Misconduct Had Title IX Rights Violated by Wesley College, Says U.S. Department of Education
Professor Jones operates several social media accounts, one of which is under the name “DrSupreme” on a site dedicated to connecting with Co-Eds.

DrSupreme often posts philosophical musings, however in early spring DrSupreme’s posts become concerning; several recent messages are ones that many would view as racist and sexist. Some of these posts mention female college students and students of color as a “troubled population that needs correction.”

The institution where Professor Jones works espouses diversity and inclusion as core values.

Students are well aware that DrSupreme is Professor Jones and are concerned they will be graded more harshly because of their race and gender after seeing recent postings.
Students approach you in the hallway with various demands, and the news media has taken interest in the story. The Department Chair is similarly distraught. How do you proceed?

<table>
<thead>
<tr>
<th>Immediately fire DrSupreme</th>
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<tr>
<td>Send copies of DrSupreme’s postings to the Bias Response Team</td>
</tr>
<tr>
<td>Conduct a threat assessment given the change in DrSupreme’s tone</td>
</tr>
<tr>
<td>Issue a statement to campus condemning viewpoints and promoting campus values</td>
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</tbody>
</table>

- 1 and 3
- 2, 3, and 4
More States Are Passing Campus Free-Speech Laws. Are They Needed, or Is the Crisis Talk Overblown?

STRAIGHT FROM THE HEADLINES

PROFESSOR PUNISHED FOR TEACHING STUDENTS ABOUT BADLY WORDED HOLOCAUST POLL

Racist Incidents at Syracuse University Putting Students, Faculty On Edge

A string of racist and anti-Semitic hate speech and graffiti culminated with the Christchurch shooter's manifesto being Airdropped to Syracuse students.

University of Michigan ends Bias Response Team in free speech lawsuit settlement

The Professor’s Views Are Loathsome, Stupid, and Ignorant, the Provost Said. But He Won’t Be Fired.

A Professor's Comments, a Board Chair's Reaction and Academic Freedom

Emory Wants to Fire Law Professor Who Said N-Word Twice
An FBI agent shows up unannounced at your Admissions Office, asking to see the application materials submitted by a Chinese-American student.

Your Director of Admissions refers the FBI agent to the Office of the General Counsel, but also reviews the student’s records. The student had excellent credentials, but his grades do not reflect that. It’s a good thing, the Director of Admissions thinks, that the student was an early-decision candidate and therefore wasn’t eligible for any special financial aid.

When the student is advised of the inquiry and questioned about the discrepancy, he asserts that this is all just evidence of your discrimination against Asian students and threatens to sue.
Who should handle this?

The Director of Admissions – it’s an admissions matter

Campus Police – it’s a criminal matter

The Office of Diversity and Inclusion – it’s a discrimination matter

The General Counsel – it’s a legal matter

The Media Office – it’s going to be a public matter

The President – it’s going to be a really big matter

All of the above – it’s all of the above
Harvard Won a Key Affirmative Action Battle. But the War’s Not Over.

More than 40 years after the Supreme Court first weighed in on race-conscious admissions, the fight remains as fractious as ever.

Admissions Pressure Grows

NACAC says it needs to remove several measures from its code of conduct to avoid a Justice Department suit. What do the provisions do? Arguably they protect students.

By Scott Jaschik  // September 3, 2019

College Admissions Group Votes to Allow More Aggressive Student Recruiting

Changes come amid threat of continued legal action by the Justice Department, which said current rules stifled competition.
RESCISSION OF DACA

- Oral arguments were heard by the US Supreme Court on November 12, 2019 in the three consolidated cases challenging the rescission of the Deferred Action for Childhood Arrival Program (DACA).
- On TBD in 2020, the US Supreme Court issues a decision which upholds the constitutionality of the Trump Administration’s justification and process used to rescind protections afforded by DACA.
- DACA recipients on your campus become immediately subject to deportation and work authorizations are pulled.
As a senior level administrator who has just heard this news, which action(s) would you most want to consult with counsel about?

- Terminating Employment of Dreamers
- Issuing a Statement to Campus Detailing Values
- Providing Support Resources to Impacted Members of Campus
- Identifying Dreamers to ICE
- Doing Nothing
- All of the Above
'Nine Justices Deciding Your Fate': Young Immigrants Face Uncertainty as the Supreme Court Considers Ending DACA

STRAIGHT FROM THE HEADLINES

Over 1,700 undocumented UC students will be affected by outcome of DACA case before Supreme Court

Student Activists Are Pushing Back Against Immigration Policy. For Some, It’s Personal.

Campus Staff With DACA Status Face Uncertainty Too

UC takes DACA fight to the Supreme Court

By Nicole Freeling, UC Newsroom
Thursday, November 7, 2019

Columbia submits joint amicus brief defending DACA
QUESTIONS?

KEEP CALM AND ASK QUESTIONS
YOU DECIDE

- **INSERT LINK TO POLL QUESTION 5**

As a senior level administrator who has just heard this news, which action(s) would you most want to consult with counsel about?

- Terminating Employment of Dreamers
- Issuing a Statement to Campus Detailing Values
- Providing Support Resources to Impacted Members of Campus
- Identifying Dreamers to ICE
- Doing Nothing
- All of the Above
YOU DECIDE

- **INSERT LINK TO POLL QUESTION 4**
- Who should handle this?
  - The Director of Admissions – it’s an admissions matter
  - Campus Police – it’s a criminal matter
  - The Office of Diversity and Inclusion – it’s a discrimination matter
  - The General Counsel – it’s a legal matter
  - The Media Office – it’s going to be a public matter
  - The President – it’s going to be a really big matter
  - All of the above – it’s all of the above
YOU DECIDE

- INSERT LINK TO POLL QUESTION 3

Students approach you in the hallway with various demands, and the news media has taken interest in the story. The Department Chair is similarly distraught. How do you proceed?

- Immediately fire DrSupreme
- Send copies of DrSupreme’s postings to the Bias Response Team
- Conduct a threat assessment given the change in DrSupreme’s tone
- Issue a statement to campus condemning viewpoints and promoting campus values
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Your lawyer asks how you would like to respond to the lawsuit. What do you tell her?

- **Concede** – We’ve clearly violated the new Title IX regulations.
- **Offer to settle** – We’ll share all potentially exculpatory material and hold a panel hearing, but without direct cross-examination.
- **Full speed ahead** – We followed our procedures to the letter, and John was treated fairly.
- **Ask someone else** – I’ve just retired.
YOU DECIDE

- INSERT LINK TO POLL QUESTION 1
- As a senior level administrator being told this information, what’s the first question you need answered?
  - Student should not be on campus. How do we place them on leave?
  - What is YI’s reporting protocol? Student didn’t actually use the pills …
  - Can we call Student’s parents or guardian?
  - Is Student currently connected and safe?
  - Who deals with students in distress, because it’s not me!