

Student Conduct Model Comparison

The following is intended to compare and contrast the relative strengths and limitations of the two primary student conduct models utilized by colleges and universities.

Investigative Model Summary

In an investigative model, a single unit (e.g., Dean of Students/Student Conduct Office) receives reports of alleged misconduct from community members (typically faculty, staff, or students), and bears the primary responsibility for determining whether to pursue disciplinary action, bears the burden of proof during adjudication, and ensures that the University's due process elements are followed. In such a model, non-respondent members of the community may be invited to participate in a variety of ways (i.e. as a reporting party, witness, hearing board members, etc.). If the alleged misconduct involves a directly impacted party (i.e. victim) this individual would be permitted to serve as a reporting party, complainant and/or witness to the misconduct. A directly impacted party would also be able to submit any and all relevant evidence regarding the case. Investigative models are the more common of the two models (i.e. Ten (10) of the twelve Big Ten schools employ the investigative model).

Complainant Driven Model Summary

In a complainant driven model, a single unit (e.g., Dean of Students/Student Conduct Office) receives reports of alleged misconduct from members of the community (typically faculty, staff, or students) and bears the primary responsibility for ensuring that the University's due process elements are followed. Decisions about whether to pursue disciplinary action are left to the complainant. The complainant also bears the responsibility of investigation as well as the burden of proof during adjudication. In this model, non-respondent members of the community may be invited to participate in a variety of ways (i.e. as a complainant, witness, hearing board members, etc). Complainant driven models are less common within higher education (i.e., The only Big Ten schools to employ this model are MSU and UofM).

Investigative Model

Considerations

- Typically, a more thorough process of investigation conducted by trained university personnel
- Lessens investigative responsibilities and removes the burden of proof from the complainant or victim
- May support increased consistency and efficiency in adjudication
- Encourages a culture of reporting and increased accountability for those who cause harm/violate policy
- Congruent with MSU's Office of Institutional Equity, Registered Student Organizations, and Relationship Violence and Sexual Misconduct processes
- Significantly more time-consuming for university personnel charged with investigation/adjudication
- Resource-intensive model, likely requiring more centralized staff
- Burden of proof falls to the university

Complainant Driven Model

Considerations

- May provide a complainant with a greater sense of agency and control over the adjudication process
- Less administratively burdensome for the university and therefore, likely to be less costly upfront
- Arguably more directly promotes values of community engagement and collective accountability
- Congruent with historical educational principles at MSU
- Likely more difficult to hold individuals accountable who cause harm/violate policy
- Potentially a less thorough process of investigation conducted by the complainant
- Process could feel burdensome to the complainant which may discourage reporting
- The potential of low reporting may cause the institution to be less aware of climate issues
- Can lead to inequitable outcomes as some matters do not enter into the resolution process