

NONTRADITIONAL STUDENTS

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Strategies to attract and succeed with adult learners

VOLUME 12, ISSUE 6

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COVER STORY

Study: Adults with more PLA options are more academically successful

If your institution is considering offering prior learning assessment for adults, or even if it already does, you need to know about a recently released study done by the Council for Adult and Experiential Learning.

It found that adults given more options for earning PLA credit had better academic outcomes than students who weren't allowed that opportunity. The study also found that students who participated in PLA had much higher degree-earning rates than those who did not. And they had better persistence when it came to credit accumulation and years of credit-earning. Also, as the number of PLA credits increased, time-to-degree decreased, said Becky Klein-Collins, CAEL's director of research.

The CAEL survey included 48 colleges and universities that offered PLA to their students. **Full story, page 4.**

Review PLA practices

Find out what types of prior learning assessment are being offered by survey respondents. **See page 4.**

HIGHLIGHTS

Where do you stand on 'grade forgiveness' policies?

Some students are requesting that your adult degree program offer a "grade forgiveness" policy that would allow them to retake courses in which they received D or F grades and then count only the new grades toward their GPAs. What would you do? **Page 3**

Find out how to improve adult student retention

When adult students drop out — or nearly do — the burden weighs heavy on adult program directors and their staff. Responsibility for retention should be a collaborative effort between all units on campus. **Page 6**

Antioch chancellor works hard to keep campuses alive

Antioch University's Toni Murdock had to make the decision to protect its five adult campuses by suspending operations at Antioch College, the smallest one. **Page 12**

Community colleges offer aid for Haiti

As the scope of the tragic disaster in Haiti became more apparent, many of America's community colleges organized fundraising drives and offered support for Haitian-born students who were anxiously waiting to find out if their families survived the earthquake.

Here are some of the ways community colleges responded:

- Eastfield College (Texas), located in Mesquite and part of the Dallas Community College District, held a collection drive for toiletry items.
- LaGuardia Community College (N.Y.) collected funds to help the people of Haiti through its LaGuardia Disaster Relief Fund and partnerships with two local organizations with a history of relief work in Haiti. ■

School's MBA program enrollment soars

Hult International Business School reports that applications for its MBA program have more than doubled due to an improved sentiment about the global economy.

"There is definitely a renewed confidence in the economy," said

Hult President Dr. Stephen Hodges. "People who were hesitant to give up work last year to go to business school aren't as worried anymore."

The largest regional increases were in applications from the Americas, Europe and the Middle East.

At Hult, students can opt to move between Boston, San Francisco, London, Dubai and Shanghai during their program. For more information, go to www.hult.edu. ■

Apollo Group pays \$78.5 M to settle lawsuit

Illegal recruitment practices can cost an institution a lot

of money and can tarnish its reputation.

The Apollo Group, the parent group for the University of Phoenix, recently agreed to pay \$78.5 million to settle a whistleblower lawsuit filed in 2003 by two former employees.

The plaintiffs claimed the institution illegally paid recruiters based on the number of students who enrolled.

The United States government will receive \$67 million, and \$11 million will go to the plaintiffs for attorney's fees.

Apollo did not admit wrongdoing. ■

TRANSITIONS

Provide students with list of licensed day care providers

Q How do I help my incoming students who are worried about child care while they attend classes?

A If you don't offer child care for students on campus, advocate for it. Meantime, see if you can compile a list of day care services in your area to give to concerned parents. Do not recommend a specific one, but ensure that those on your list are all licensed. ■

Transitions is a monthly Q & A column to help you best serve adults entering the college environment. Have a question and/or answer you'd like to submit? E-mail the editor at caryan@wiley.com.

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How would you handle students' requests for a 'grade forgiveness' policy?

Case Study

Some students are requesting that your adult degree program offer a "grade forgiveness" policy that would allow them to retake courses in which they received D or F grades and then count only the new grades toward their GPAs. Should you consider advocating for such a policy? What would you do?

The Solution

Question raises important issues for adults returning to college

Two of this month's respondents agreed with the policy, while one is decidedly against it, saying the policy lowers the academic bar.

Institutions should find ways to welcome the adult student with a less-than-satisfactory academic record, said Lee Ann Wambach, academic programs manager at the University of Southern Indiana, in Evansville, Ind.

"Older, returning students that I speak with usually have much regret about prior college performance, and need to focus on future goals based on their time-management skills, career goals and maturity level," Wambach said. "If these students are weighed down by mistakes and low grades made 10 years ago, they are less likely to persist and complete a degree. For these reasons, I believe grade forgiveness presents a "win-win" for adult learners and the institutions who welcome them back to their studies."

USI has a "Course Repeat Policy" that applies to all students — not just adult learners, Wambach said.

The following from the university's current catalog captures the essence of the policy:

"Any undergraduate course taken at the University may be repeated for possible grade point average (GPA) improvement. A course that has been repeated (and the

grade received) will remain on the academic transcript but will not be used for GPA computation. Effective Fall 2006: if a course is retaken, the grade earned for the last occurrence will become the grade for the course (even if it is lower than the previous grade) and be used for the GPA computation."

Ann Marinoni, a professor in the School of Business at Lake Superior State University, in Sault Ste. Marie, Mich., agrees that there should be a grade forgiveness policy, but with a caveat. Only the last grade received in a course taken more than once should be counted in the GPA, but the transcript should clearly show that the course was retaken, she said.

However, Anne Marie Pinchera, a prior learning assessment coordinator at Excelsior College in Albany, N.Y., disagreed with the whole concept of grade forgiveness. To maintain a level of excellence, we need to raise the bar, not lower it," Pinchera said. "There was a time I thought grade forgiveness would be a great idea, but that was early in my educational career."

Pinchera recalled tutoring a returning veteran after her freshman year in college. The student was unable to read. "I went to his professor and explained the situation. The professor told me higher education was not a given for any student. [He said] attending colleges and universities should be a distinction for those with the capacity for advanced learning and not [a place] for any reason or excuses," Pinchera said. She thought about what the professor had said for many years. "Everybody is not college material," she said. "The problem is most students, even today, do not understand why grades are important."

Students should not only know what material they have been exposed to, but also if they have learned it, she said. ■

What Would You Do?

This bimonthly feature will highlight common problems encountered by adult program leaders — with solutions provided by you. ■

Next time...

You get a call from an official at one of your satellite campuses that an adjunct professor appears to have arrived drunk. Students say she's unsteady on her feet and slurring her words. The site is more than 45 minutes away so you cannot get there quickly. How would you handle the situation? What would you do? ■



Share your ideas with colleagues by e-mailing us at caryan@wiley.com.

Acknowledging adults' outside learning validates, motivates, engenders loyalty

The Council for Adult and Experiential Learning's recently released prior learning assessment study can help you better serve adult students.

Not only do the findings validate the tangible benefits of PLA, such as better academic outcomes, they're also a good marketing tool you can use to reach prospective and current students, said Becky Klein-Collins, CAEL's director of research.

A subset of administrators interviewed for the study stressed the importance of validating adult students' learning outside the classroom, she said. That acknowledgement also motivates students to persevere with their studies, they said.

Letting students know that what they've been doing for many years before they enrolled in college is credit-worthy not only validates them but also excites them and increases their loyalty to the institution, Klein-Collins said. "PLA is not just about assessing experience, but the learning gained from the experience," Klein-Collins said.

CAEL's exploration of PLA is the first multi-institutional study that looks at the relationship of PLA to a range of student outcomes, such as time-to-degree, graduation rates and persistence.

The study compiled data collected over a seven-year period. It examined the records of 62,475 students defined as adults — 25 years or older.

At some institutions, PLA was used to waive prerequisites, to meet general education requirements, or to count toward their majors, Klein-Collins said. But not every institution allowed all of these uses, she added.

"Institutions really vary in how they administer PLA," she said. "Some are very flexible ... while some have limitations."

The study showed that the more PLA options students had available, the better they did academically, she said.

PLA methods examined in the study included standardized exams, such as CLEP, DSST, AP and

Excelsior; externally-evaluated training programs, such as using the American Council on Education's guidelines; institutional challenge exams; and portfolio assessments and other methods.

When the final report is released, it will also include information on:

- PLA participation rates for different types of learners.

- PLA participation rates for different types of institutions.

- PLA policies and practices within the institutions in the study.

- Graduation rates of PLA students, versus non-PLA students.

- Persistence of PLA students as opposed to non-PLA students.

- The time it

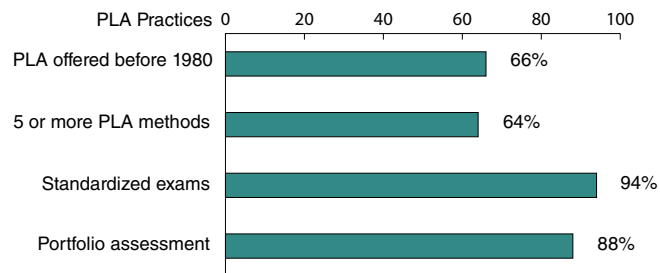
took PLA students to earn a degree, as opposed to how long it took non-PLA students.

The study was funded by a grant from Lumina Foundation for Education.

Contact Becky Klein-Collins at bklein@cael.org. For more on PLA, go to www.cael.org/pla.htm. ■

Study clarifies PLA practices

The Council for Adult and Experiential Learning surveyed 48 institutions known to offer prior learning assessment. The graph below gives an overview of responding institutions' practices:



Participating institutions vary in type, size, locations

The Council for Adult and Experiential Learning's study examined prior learning assessment options offered between 2001 and 2008 at 48 institutions.

Participating institutions included:

- 41 four-year institutions; 7 two-year institutions.
- 22 public institutions, 24 private not-for-profits, two private for-profit institutions.
- Student populations of more than 20,000 to less than 1,000 students.
- Those located nationwide, but with the heaviest representation from the Midwest, Great Lakes, Plains and Southeast regions.
- 46 from America, two from Canada. ■

Ensure your nontraditional program office is veteran-friendly

By Teresa Bagamery Clark, M.A.

You have probably noticed more veterans around campus this academic year but you may not know how to best serve them. Campus adult and nontraditional program offices can, and should, work to promote the best educational experience for these student veterans.

First, you need to have at least a foundational knowledge of the Post-9/11 G.I. Bill. Second, be sure to connect with the veterans' services office at your institution. Third, consider engaging your student veterans with a campus organization. And fourth, help these students to obtain academic credits for their military service.

Review the information below to be sure you are ready to attract and retain student veterans on your campus.

1 The new G.I. Bill. The newest rendition of the original 1944 Servicemen's Readjustment Act, or G.I. Bill, went into effect in August 2009. It provides, among other benefits, educational assistance to veterans of the Iraq and Afghanistan wars. Two million vets and their family members are expected to take advantage of the Post-9/11 G.I. Bill, which applies to "individuals with at least 90 days of aggregate service on or after Sept. 11, 2001" or for those discharged due to service-related disabilities after 30 days of service.

To qualify for the Yellow Ribbon Program at participating private institutions, veterans must have served at least 36 months in active duty since Sept. 10, 2001 or received honorable discharge after at least 30 days of service. Veterans have 15 years, as opposed to eight or 10 in the previous GI bill, to use

the education assistance after their release from active duty. But unlike former bills, the Post-9/11 program permits veterans to attend only a college or university (i.e., not training or apprenticeship experiences).

2 Veterans office. At Lipscomb University, we are fortunate to have a helpful veterans' liaison working with students to create a smooth transition

from combat to college. If your institution does not operate a veterans' services office, you may wish to coordinate some of those provisions through your nontraditional student department or school. You can connect with staff on campus to

build your knowledge base concerning off-campus housing, counseling and disability accommodations. Provide as much information as possible from your office instead of requiring veterans to go from building to building on campus looking for answers.

3 Student organization. Lipscomb's Campus Veterans Organization formed last fall. The president is an adult student. If your campus offers a veterans club, recommend that your new and current veteran students get involved. You can e-mail them the president's contact information encouraging them to join. Your veterans' services office may be allowed to share the students' e-mail addresses with the club officers as well. This type of organization provides a support network plus offers activities of common interest for student veterans.

4 Military credit. Veteran students may receive college credits for their military service. To ensure your institution grants all the possible credits your students qualify for, work with your transcript analyst and the registrar. Maintain a good relationship with the officials on your campus that handle transfer credit to help you better communicate with your student veterans at admission, advising and registration stages. Also, familiarize yourself with the American Council on Education's Web site to be able to communicate with your students about what type of transcript they need to request.

Perhaps most importantly, when working with student veterans, be respectful, remembering their service to our country. Finally, be helpful and welcome them as valued members of your campus community. ■

Access handy reference guides

See the following Web sites for more information on how to better serve your student veterans:

- American Council on Education: www.acenet.edu.
- Student Veterans of America: www.studentveterans.org.
- The United States Department of Veterans Affairs: www.gibill.va.gov. ■

About the author

Teresa Bagamery Clark is director of adult learning at Lipscomb University in Nashville, Tenn. She earned a Master of Arts in Higher Education and a Bachelor of Arts in Writing from Geneva College. She will graduate in May 2010 with a Doctor of Education degree in Higher Education Leadership and Policy from Vanderbilt University's Peabody College. ■

Take time to connect with adult students to improve retention

When adult students drop out — or nearly do — the burden weighs heavy on adult program directors and their staff.

Your unit is expected to retain students. But the responsibility for retention should be a collaborative effort between all units. Of course, that's easier said than done. That's why we asked four top higher education professionals to share their lessons learned and best practices for improving retention.

As an adult student professional, you do need to do your part, said Anne Lundquist, dean of students at Wells College. And you should explain to faculty members and advisors their role in retention, Lundquist added. She does this via an enrollment management team she co-chairs with the vice president for academic affairs. "We try to look at retention as everybody's business," she said.

Larry W. Lunsford agreed. "We definitely believe we're vital in the process," said Lunsford, associate vice president for student affairs at Florida International University.

"Retention is everybody's responsibility from the top down," said Douglas R. Pearson, vice president and dean of students at Mercer University. "Some of the top studies show just one person reaching out can make a huge difference in whether a student stays or goes," Pearson added.

Many have daily contact with adult students

Imagine a campus police officer directing a harried student who has just raced onto campus from his job to a convenient parking space, or a cashier in the campus bookstore taking the time to quickly locate a textbook a student is seeking so he won't be late to class. And what about a registrar explaining to a very upset adult learner that he may be able to qualify for financial aid that he thought was only available for younger students?

You need to train all staff members, from financial aid to mental health counselors, in their role in retention, Pearson said. "A lot of studies show that students involved outside of the classroom are more likely to remain in college," Lunsford said. Some of your adult students may want to get involved in student government, in starting a nontraditional students club, or in serving on an advisory committee for your unit. Be sure you offer those opportunities.

"Students need to know they matter," said Lori Reesor, associate vice provost for student success at University of Kansas. "For some students, that could mean a connection to an organization through

a leadership role. For other students, it could be a connection to their academic advisor."

If students don't think they matter, it's very easy for them to leave because they think nobody cares, Reesor said. "If a student is treated poorly and is on the fence about whether she should stay or go, another bad experience could be the tipping point."

Sagging economy impacts retention

Many students have more financial concerns than in years past. "As costs rise, families have to make harder choices in terms of where they are spending their money," Lundquist said. She addresses this via an enrollment management team subcommittee. Wells College officials have to translate the benefits of a private liberal arts college in terms of how it will help them find a job, she said.

Financial concerns lead to stress, which can interfere with students' studies or lead to them dropping out. "Our counseling services center has a person there to talk with them about financial difficulties and resources in the community and in financial aid," Lunsford said. "Economic factors and stress play a role in retention," Lundquist said. This is especially true for returning students. "They're struggling to adapt ... and if simultaneously a family member is losing a job ... stress or pressure at home contributes to a feeling of whether they should be using the family resources for their education."

Some adult programs offer special sessions for entering students' significant others to help them understand the stresses the family will face and how they can support the returning student. But the country's high unemployment rate also means more adults are returning to college because they lost their jobs. They might just want to earn another credential or bide their time until the job market improves. Growing numbers have families to take care of which makes connecting to the campus community more difficult for them.

Counseling, career fairs may help

"They're not as prone to being involved in student activities," Pearson said. So it's important for campus officials to connect ... via career counseling and career fairs. "They do their own thing on nontraditional hours because they have families or jobs."

The economy means many students are working more hours. Those who work more than 20 hours a week will have lower grades, studies show. So imagine the effect for students working 40 hours or more.

Address this retention issue by determining if they're

eligible for aid, or more financial aid, Lunsford said. Some adults may not be able to attend orientation due to their work and family responsibilities. "Provide them with succinct brochures and packets of information to go through it on their own," Pearson said.

For those who can attend orientation sessions, explain about free tutoring and services such as online access to professors. Use social networking sites, such as Facebook, to communicate about programming and other concerns before the year starts, Pearson and Reesor suggest.

Lunsford reports retention problems among transfer students. First-year students often receive free tutoring. "But once they're in their programs or majors, tutoring and assistance isn't as available for upper division students as it is for lower division," Lunsford said.

Academic advising is critical

And don't underestimate the value of good academic advising. "They drop out because of poor advising or no advising," Lunsford said. Students often spend their first two years in college unaware of the prerequisites for their major. Lock-step adult programs can help since classes students need are specified from the moment they enroll. But you still need to offer advising related to electives or program prerequisites students might not have already taken. And good advisors can refer students to appropriate services if they are struggling.

When students are in crisis — academic, financial, health or otherwise — you, a staff member or an advisor should intervene quickly. Don't wait until the end of the semester when it's too late.

If a student misses class for a while, faculty should tell deans or a student crisis group, Pearson said. For adult classes with limited numbers of meetings, that should happen if more than one session is missed.

An intervention group or a faculty committee on academic standing and advising should meet regularly to discuss students' standing. Lundquist also has her registrar notify her when students request a transcript for a transfer. Then she follows up with the students to determine if she can do anything to retain them.

Data collection is essential

Tracking the reasons why adult students drop out or succeed can make a big difference in retention. You need to monitor progression before students disappear from the campus, Lunsford said.

"Assessment and surveys are vital tools in managing and understanding the complexities of retention," Reesor said. "Finding out what works gives

you indicators for success. Look at your data, look at who is being successful and why — and who isn't and why." Break down data by students of color, in state, out-of-state, etc. Then determine what can be changed, she said.

There are always academic issues program directors can't control, but you can be advocates for these students, Reesor said. "Find out why students aren't getting the courses they need, or creative ways to meet their academic interests even if you don't have the major they need."

Lundquist keeps an online grid of retention strategies, and who's working on each one, plus a time line and data sets. "That has helped with the shared-responsibility piece," she said.

And if adult students drop out, an exit interview can be helpful in gathering data and making changes, Lunsford said.

A full-time retention specialist can prove invaluable in coordinating efforts and surveying students, Reesor said. But don't assume that person will solve all retention problems, Lundquist said. Specifying retention staff members' job descriptions clearly communicates shared responsibility, she said.

Contact Lundquist at alundquist@wells.edu, Lunsford at lunsford@fiu.edu, Pearson at pearson_DR@mercer.edu, and Reesor at lreesor@ku.edu. ■

The Bottom Line: Retention

Improve retention at your institution by following these tips from those interviewed for this article:

- ✓ Collaborate with all units on campus.
- ✓ Talk to faculty, staff and academic advisors about their role in retention.
- ✓ Encourage students to get involved in campus activities.
- ✓ Offer career fairs and career counseling at a variety of times.
- ✓ Communicate with students via succinct packets and brochures.
- ✓ Offer tutoring to upper-division students.
- ✓ Increase publicity about available services, such as mental health and financial counseling, tutoring and advising.
- ✓ Intervene quickly with struggling students.
- ✓ Conduct exit interviews.
- ✓ Track reasons for retention and dropping out and make changes in problematic areas.
- ✓ Keep an online time line of retention strategies, including who's responsible for each.
- ✓ Consider hiring a full-time retention specialist for your unit. ■

Manage controversy with civility

If you want to change something in your adult student unit, you need to collaborate with your faculty and staff members.

But most issues involving change also involve at least some controversy. And people aren't likely to collaborate if they feel disrespected or dismissed in the process.

So what can you do to ensure you manage controversy with civility? It's more than just "being nice" to each other.

Healthy organizations help bring controversies to the surface so the group can deal with differing views en route to making a sound decision.

Here are two common, misguided approaches to dealing with controversy, followed by a third, recommended approach:

1. Trying to maintain civility by avoiding controversy. This is a mistake. Leaders withhold information about plans or decisions so staff and faculty members don't have the chance to voice their disagreement. They must choose between agreement or silence. Dissent is too risky.

2. Embracing controversy, but without civility. Another mistake. Faculty and staff members feel free to voice opinions, but not in a way that respects others' views. Reactions to different opinions include dismissing, anger and defensiveness. This happens during meetings and behind the scenes, too.

3. Promoting controversy with civility. This is the recommended approach.

4. Staff and faculty trust that others will not react negatively to disagreement. Colleagues express appreciation for others' perspectives. They value and consider different viewpoints, knowing they're needed before making a sound decision. Still, perspectives based on credible evidence prevail.

To promote controversy with civility, you'll need to encourage dialogue, identify the roots of controversy and build trust. Follow these tips to foster trust among your staff members: (remember to change the style when it's a regular paragraph ... not a list)

✓ **Use the word "we."** In discussions of the group's goals and accomplishments, clearly express that ideas and credit for success belong to the whole group.

✓ **Encourage interactions.** To avoid isolation, schedule regular meetings that include opportunities for interaction, not just announcements.

✓ **Create a climate of predictability.** Follow through on commitments, keep promises and reward honesty.

✓ **Involve everyone in planning and problem solving.** Avoid making decisions behind closed doors.

✓ **Trust others.** Show that you're comfortable with opening up to others and sharing your values and hopes.

Adapted from *Leadership for a Better World: Understanding the Social Change Model of Leadership Development*, by Susan R. Komives, Wendy Wagner and Associates, published by Jossey-Bass, an imprint of Wiley. To order, go to www.wiley.com. ■

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Increase awareness of relationship violence

Educating all students about what it means to have healthy relationships could help prevent campus violence more than increasing security patrols.

Adequate lighting and safer campus walkways are important for preventing stranger attacks for adults who attend college at night. "But the reality is most of the violence is happening where students are going — behind those closed doors at campus apartments," said Elizabeth Saewyc, an R.N. and professor at the University of British Columbia's School of Nursing.

She was the head researcher for a recent study that revealed students are much more likely to be victims of relationship violence than stranger violence. In fact, almost one in five students said they had been victims of emotional or physical violence in the six months before they were surveyed. The study was published in the June issue of the *Journal of Adolescent Health*.

"We need to do far more to help these adults develop healthy relationships," she said.

Saewyc and her team surveyed students who visited college health clinics. "This may also be a very good place to reach young people who otherwise may not seek out counseling services," said Saewyc. And we need to reach out to men as well as women.

That advice runs contrary to two popular myths:

- **Myth:** Men aren't victims of violence; they're only perpetrators. **Reality:** "We found they're just as likely to experience intimate partner violence and more likely to experience physical violence. There's extra shame when you're a guy and the violence is coming from a

girlfriend or spouse, so young men are less likely to disclose that or seek help for it," Saewyc said.

- **Myth:** Victims don't go to campus health clinics. **Reality:** Victims don't go for treatment of violence, but they do go for birth control, acne, etc. Students should be screened for violence just as health practitioners ask about smoking and stress. If your adult students can access campus health services, don't let them fall between the cracks.

Many students don't know there are services available to help them deal with the stress of violence, or don't identify certain actions as violence, she said. "By being regularly screened in health care settings, we can connect them with services and help them avoid some negative effects," Saewyc said.

Stranger violence accounted for about 6 percent of the violence against women and 18 percent for men reported by the study's respondents. But more than one-third of the violence was among intimate partners. Violence by friends and family members makes relationship violence even more common.

Physical violence included hitting, slapping and kicking. Emotional violence included repeated ridicule, threatening statements, destroying belongings, displaying unreasonable jealousy — all at a more severe level than just random verbal put-downs. And the stress on a parent who is trying to earn a degree while raising children and working full time can fuel such abuse.

E-mail Elizabeth Saewyc at saewyc@interchange.ubc.ca. ■

Follow 9 steps to address, prevent relationship violence

Follow these tips for addressing and preventing relationship violence among students. They're recommended by Elizabeth Saewyc, head researcher of a student violence study.

1. Screen men and women at health centers.
2. Tell groups: "A certain number of students will experience violence or relationship violence." Explain where they can get assistance.
3. Ask a student having academic or social difficulties: "Are there other things going on causing stress in your life?" Be prepared to refer students to appropriate services.
4. Take violence seriously. "Having a culture that tolerates interpersonal violence, especially with drinking, creates an environment where more of this will happen and increases the risk for severe injury," Saewyc said.
5. Ask campus security about laws and policies for

addressing intimate partner violence.

6. Find out whether your campus provides safe places for victims who live with their perpetrators.
7. Promote victim services and healthy relationships via social marketing campaigns, peer outreach, campus events, posters and orientation.
8. Address high-risk drinking. The study revealed victims and/or perpetrators typically had been drinking to excess. Reach out to depressed or isolated students. Relationship violence can affect overall self-esteem. It also can lead to more drinking and drug use, poor academic performance, dropping out or suicide attempts.
9. Reach out to students who are depressed or isolated. Relationship violence can affect overall self-esteem. It also can lead to more drinking and drug use, poor academic performance, dropping out or suicide attempts. ■

ENROLLMENT MANAGEMENT

Court dismisses grad student's claims against NYU

Case name: *Johnson v. City of New York, et al.*, No. 08 Civ. 5277 (SHS) (S.D.N.Y. 11/12/09).

Ruling: The U.S. District Court, Southern District of New York dismissed Vandyke Johnson's federal claims against New York University. The court retained supplemental jurisdiction over his state law claims based on the original jurisdiction conferred by the federal claims Johnson filed against the city of New York, which is a codefendant in the lawsuit.

What it means: To sue a private university for civil rights violations under 42 U.S.C. § 1983, a plaintiff must demonstrate that it acted "under color of state law" by establishing the existence of a sufficient link between the institution and the government.

Summary: Johnson, a former graduate student at NYU, filed suit against the university and several employees, as well as against the city of New York, the Commissioner of the New York City Police Department, and a police officer. He pled civil rights violations under sections 42 U.S.C. §§ 1981, 1983, 1985–88, and New York state law.

Johnson alleged that he was falsely arrested at an NYU gymnasium and maliciously prosecuted based on "bogus" allegations of larceny. He also claimed that the defendants conspired to have him arrested.

Johnson was acquitted of the charge at trial. But he was denied readmission at NYU and declared "*persona non grata*" without a hearing, according to the complaint.

He sought a combined \$300 million in damages from all defendants.

The court dismissed the federal claims against NYU, but denied New York University's motion requesting that it decline jurisdiction over Johnson's

state law claims.

In addressing the 42 U.S.C. § 1981 claim, the court explained that a plaintiff must allege facts showing that he is a member of a racial minority and that the defendant intended to discriminate on the basis of race. It held that Johnson failed to identify any facts giving rise to an inference of racially discriminatory intent.

The court dismissed the 42 U.S.C. § 1983 charge because Johnson did not establish that NYU, a private university, had a sufficient connection with the government defendants to support the necessary element of state action.

Lastly, the court dismissed the claims under 42 U.S.C. §§ 1985 and 1986. It explained that to establish the Section 1985 claim, Johnson had to allege that the parties, motivated by a racial or class-based animus, conspired for the purpose of depriving him of the equal protection of the laws.

The court concluded that he failed to allege that the defendants communicated or acted in concert, which are necessary elements of a conspiracy claim. The court also noted that Johnson failed to plead that the alleged conspiracy was motivated by a racial animus.

The Section 1986 claim necessarily failed because it would have imposed liability on the defendants for having knowledge of wrongs prohibited under 42 U.S.C. § 1985.

However, the court did not dismiss the state law claims against NYU. The court held that it had supplemental jurisdiction over those claims because the original federal charges against the government defendants had not been dismissed. ■

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CAMPUS SECURITY

Tuition refund ends student's breach-of-contract claim

Case name: *Wildi v. Hondros College*, No. 09AP-346 (Ohio Ct. App. 09/30/09).

Ruling: The Ohio Court of Appeals affirmed the trial court's dismissal of Deborah Wildi's breach of contract claim against Hondros College.

What it means: A student cannot claim damages for breach of contract when a private college dismisses her and refunds her tuition and fees.

Summary: Wildi enrolled in real estate classes at Hondros College. She claimed that on the first day of classes, stalkers followed her to the college and verbally abused her. She filed a report with the local police and advised college administrators of the situation.

But the stalking allegedly continued and Wildi told administrators that she planned to post flyers around campus offering a cash reward for information related to the stalkers' identities. She also took down the license

plate numbers of her fellow students who allegedly commented on the harassment. She told administrators that such actions were declared legal by a judge in another unrelated proceeding.

As a result, the college asked Wildi to leave the campus. Wildi alleged that she complied with the request based on the understanding that she would be permitted to reschedule completion of her classes.

She attempted to contact a college administrator to make the arrangements, but the administrator did not respond to her phone calls. When she next showed up on campus, the administrator handed her a refund check and told her to leave.

She filed a breach-of-contract claim against the college. After it was dismissed by the trial court, Wildi appealed.

The court of appeals affirmed the judgment and the college reimbursed her enrollment and tuition expenses. ■

DISABILITY

University must eliminate marital status inquiries on admissions form

Case name: *Letter to: Union University*, No. 04-09-2022 (OCR 05/08/09).

Ruling: The Office for Civil Rights concluded that Union University did not discriminate on the bases of disability or gender against an individual who applied for admission to the accelerated program of its Bachelor of Science in Nursing. However, OCR determined that an inquiry concerning marital status in the institution's application form violated federal disability laws.

What it means: Title IX and its regulations provide that postsecondary education institutions may not inquire about applicants' marital status in admissions forms.

Summary: OCR investigated a complaint alleging that Union University discriminated against an applicant on the bases of disability (chronic cauda equine syndrome) and gender. The complainant claimed that he was denied admission to the Bachelor of Science in Nursing, Second Bachelor's Degree Accelerated Program, based on his disability. He also alleged that the university made a preadmission inquiry concerning his disability during the admission interview.

Additionally, he claimed that the program's application for admission contained a preadmission inquiry concerning marital status and that during

the interview he was questioned about his marital status.

The dean of the School of Nursing asserted that the complainant was denied admission based on an interview score of zero, not because of his disability. In support of this claim, the dean explained that other applicants with disabilities were admitted to the program for the same semester that the complainant was denied admission.

The faculty members who interviewed the complainant denied asking any questions about his disability or marital status. However, they admitted that the complainant talked about both issues when he responded to an interview question that asked all applicants to talk about themselves.

OCR determined that all applicants who were interviewed were asked the same questions. None of the questions mentioned disability or marital status.

OCR concluded that the university did not discriminate against the complainant on the basis of his disability. However, the agency noted that the inquiry concerning an applicant's marital status on the program's admission form violated Title IX regulations. The university agreed to remove the inquiry from the form and submit evidence of compliance by June 15, 2009. ■

TONI A. MURDOCK, CHANCELLOR, ANTIOCH UNIVERSITY, YELLOW SPRINGS, OHIO

Chancellor works hard to keep 5 adult campuses viable

Toni A. Murdock has had many careers. She was a rancher, a high school teacher and coach, assistant manager of a hotel, a social worker, and a county and municipal judge before becoming the first woman president of an Antioch University campus in 1997. Then in 2005 she became the first female chancellor of Antioch University.



TONI A. MURDOCK

The common thread running through all those careers was how education, or the lack of it, can shape someone's life, Murdock said.

"As the first person in my family to earn a degree, I recognized the impact that a college degree can have on success and the ability to make a difference," Murdock said.

Murdock's career in higher education began in the early 1970s, starting as a faculty member; however, she quickly found herself in administration. Over time, she was encouraged to move into progressively higher administrative positions that provided her with the full breath of diversity in the higher education system. Each experience was different, but equally important. And they included a variety of settings such as public and private institutions, research universities, community colleges, and traditional, nontraditional and religious institutions.

Murdock's greatest challenge occurred in June 2006 when Antioch had to make the decision to protect its five adult campuses by suspending operations at Antioch College, the smallest campus in the system. This residential campus served traditional-aged students in Yellow Springs, Ohio. Meanwhile, Antioch University's adult campuses are located in four states across the nation — Ohio, California, Washington and New Hampshire. Each operates with some autonomy.

"Despite focused efforts and difficult decisions, the long-term financial struggles of the college reached a point of threatening the sustainability of the entire university system, including the five adult campuses," Murdock said.

Murdock worked with the university's board of directors to create a three-year plan to bring the college back after they addressed the issues of deferred maintenance on the campus and its extremely small endowment. But soon it became clear that the best hope for restoring the college could lie only in the hands of the alumni, she said.

"We have worked with various alumni groups who demanded that the college be totally independent of the university before they would support any attempt to revive the college," Murdock said. "Meanwhile national press headlines read: 'Antioch Closes.' It became difficult for the five adult campuses because most individuals did not understand that the university was alive and well, and that it was only the residential college campus that closed."

Over the past three years, through innovative efforts on the part of university officials, the college was transferred to a group of alumni committed to bringing it back to life, Murdock said.

The good news is Antioch's adult campuses are financially stable and doing well despite the economic downturn, she added.

"Our challenge now is to establish the difference between Antioch University and the potential return of Antioch College in the public's eyes," she said.

Another challenge Murdock has faced in administering the adult campuses is developing a collaborative approach among the campuses.

"The hardest part of this Antioch University multi-campus structure is trying to establish a team approach among our presidents when we meet face-to-face only five times a year," Murdock said. "When we do meet, our agenda is a list of management issues and we have little time for reflection. Each president is immersed in the success of his or her own campus in very different geographical environments."

Ideally, the presidents should serve as a support group for each other and learn to collaborate toward innovation, she said. Establishing a truly high-functioning team requires intentionality, constant attention, and hard work on the part of the CEO. It also requires an extremely supportive board of trustees that understands the need for "oneness" if a system is to deliver quality education while trying to keep costs at a minimum, Murdock said. ■

At a glance Antioch University

- Adult campus locations: Culver City and Santa Barbara, Calif.; Yellow Springs, Ohio; Keene, N.H.; Seattle, Wash.
- Students: Approximately 4,000 enrolled; 75% female, 25% male; average age is 39.
- Programs: Certificates through doctoral level. ■