

CLASSROOM DISRUPTION

Q. What if a disruptive student claims the disruptive behavior is the result of a disability?

A. "The fact that a student may have a disability should not inhibit you from notifying appropriate authorities (including the campus police, as needed) about disruptive behavior. Students with or without disabilities need to know they must adhere to reasonable behavioral standards. Setting and enforcing such standards may encourage students with disabilities to obtain needed therapy, and to take prescribed medications."

"Disability claims and accommodation requests should be discussed with Student Disability Services. There is an established procedure students should follow if they have a disability and seek a reasonable accommodation."

"Generally, while different rules apply in the elementary and secondary school setting, pertinent federal agencies and the courts have made it clear that an institution of higher education does not have to tolerate or excuse violent, dangerous, or disruptive behavior, especially when that behavior interferes with the educational opportunities of other students. Colleges and universities may discipline a student with a disability for engaging in misconduct if it would impose the same discipline on a student without a disability."

Q. Will I be liable for defamation if I call the police or refer a student for disciplinary action and it's later determined I made an honest mistake?

A. "The risk of liability for making such a report is virtually nil. There are strong public policy reasons to support and protect individuals who make good faith reports of wrongdoing to appropriate officials, even if those reports later prove to be mistaken. Common law (or statutes in some states) give people who report misconduct to proper authorities a "qualified privilege." That means they cannot be held liable for defamation unless their report was made in bad faith, with knowledge the information they provided was false, or in reckless disregard of its truth or falsity."

Q. Should I act immediately or wait for a pattern of misbehavior to occur?

A. "It's often a mistake to assume disruptive behavior will stop on its own. A fundamental tenet of progressive discipline is to document and respond to "small" incidents sooner rather than later. Early intervention—sometimes in the form of a 'behavioral contract' developed by the director of the Office of Student Conduct and Conflict Resolution or designee and a referring teacher—might help define needed boundaries for a student. Generally, teachers who state reasonable expectations early, and enforce them consistently, help students avoid the harsher consequences that flow from more serious infractions later."

Q. What confidentiality standards should I follow?

A. "The University will take appropriate disciplinary action in cases of proven classroom disruption. Consequently, you should discuss allegations against named or identifiable students only with individuals who have some role in the disciplinary process. Examples of people who usually have such a role include your department chair and the director of the Office of Student Conduct and Conflict Resolution. A general rule to keep in mind is that you should refrain from sharing any personally identifiable information from student education records (like grades, or reports of misconduct) with any person (including a colleague) who has no educational interest in the information. If in doubt, confer with legal counsel."