

Episode 14: Title IX and International Programs with Jill Creighton

Courtney Bullard:

Welcome to The Law and Higher Ed Podcast. I'm your host, Courtney Bullard, a Chattanooga attorney specializing in Title IX compliance and owner of Institutional Compliance Solutions. We have a lot happening at ICS, so I wanted to take a quick minute before we get started with this episode to highlight some items. First, several complimentary webinars are in the queue in these coming months, so if you go to www.icslawyer/ics-events, you can see all of those listed and register. Note that many of them are free.

Second, so many of you have reached out who are aspiring Title IX coordinators or new to the profession. Some are even lawyers who are getting into Title IX litigation and looking for resources. You need the basics, some of you have attended large conferences, but feel like you're drowning in information overload. Well, I listened and I'm currently creating an online course just for you, titled Title IX 101. I'm so excited about this project because it will be affordable, on-demand training that will give you a great foundation in Title IX, the history, the law, the regs, the standards, what's expected of institutions and on and on.

Episode one of this podcast gives a high level legal primer, Title IX 101, the online course will go much deeper with measurable, tangible outcomes and yes, a certification. Can you tell I'm excited? So look for the release in December.

Jill Creighton:

Title IX is not a thing outside of the boundaries of the United States, and this is the other component I'll really talk about as a challenge is that cultural consent is defined differently in different spaces.

Courtney Bullard:

If you were a current ICS client or member, then you know that I'm a big stickler on ensuring that you're looking at your study abroad programs when you're looking at Title IX compliance on your campus as a whole. That's why my guest this week, Jill Creighton was so interesting to me when I first met her. Jill is currently the Dean of Students & Associate Vice President for Campus Life at Washington State University.

When I met her, we were speaking at a Title IX summit at Arkansas State University, and she was speaking on Title IX abroad, and immediately my ears perked up. Then I learned that she worked at New York University where she led student conduct efforts at 14 different global locations across six continents. Let that sink in for a minute. So her experience in navigating the conduct issues at those locations in the Title IX context and the Clery context blows my mind just to think about.

In this episode, she shares that experience, as well as her thoughts on ensuring your Title IX process is accessible to all students, even those that come in from a different cultural background. We also talk about restorative justice, it's a big, hot topic right now, and we talk about it as well and her experience in that area, and dive into issues that are facing students today that she sees in her office, and the hint there is inability to deal with conflict. So currently, Jill oversees the Center for Community

Standards, Housing and Residence Life, the Center for Fraternity and Sorority Life, and the Office of the Dean of Students on the WSU Pullman campus.

She also supports Campus Life efforts on all WSU campuses across the system. In addition to the work she did at New York University, she previously served as the assistant dean of students for conduct and operations at the University of Oregon, where she supervised the Office of Student Conduct and Community Standards, the university food security task force, and operations and assessment for the office of the Dean of Students. She has served as the President of the Association for Student Conduct Administration, and currently serves as the Region V Public Policy Division representative for NASPA, which you'll hear us talk about, Student Affairs Administrators in Higher Education

She received her Bachelor of Arts in music from Central Washington University and her Master of Education in College Student Services Administration from Oregon State University. She's currently pursuing her doctorate in public administration at West Chester University of Pennsylvania. So you will hear me try to call her doctor, but I've noticed she's very soon we'll be taking on that title. Jill and I recorded a crossover podcast because she is the host of the ASCA Viewpoints Podcast, a podcast where they talk about the student conduct profession in higher education, that is the official podcast for the Association for Student Conduct Administration. That is what the ASCA stands for. There are a lot of acronyms in higher ed, so I like to clarify.

In any event, her experience and her worldly travels are remarkable. And I think you will learn a lot from her, it will give you a lot to think about when you were looking at compliance on your campus with Title IX and your international programs.

I really appreciate you doing this cross over podcast with me and giving me an experience of actually doing one so early in my podcast journey. For those of you who listened to the episode we just recorded, Jill is the podcast host for the Association for Student Conduct Administration Viewpoints, that's how you guys refer to the podcast, correct?

Jill Creighton:

Yes, the ASCA Viewpoints Podcast.

Courtney Bullard:

Okay. So we just did that recording and now we're flipping and I am going to be interviewing Jill. And as she mentioned before, we met in Arkansas of all places coming from, I think Oregon, I'm coming from Tennessee, but we had a really brief conversation, but in that conversation, I was just really intrigued with your experience with international campuses and Title IX. And so that's the main reason I wanted to talk to you, but then of course I'm talking to you more also about this concept of restorative justice, social justice and all of those great things.

But before we dive into that, I would like to know your career path and how you've come to be in the position that you're in today.

Jill Creighton:

So the joke that I like to make is that no one grows up saying, I want to be a student affairs professional, it's not along the list of like astronauts and teacher and firefighter. No one says, "I want to be the dean

of students when I'm older." And so it's a funny career path. So I actually have an undergraduate degree in vocal and piano performance. It's a bachelor of arts and music from Central Washington University. And my original goal in life was to be a high school music teacher and get a degree in choral conducting. So it's still something I do on the side.

I had the privilege of singing with the Colorado Symphony for a couple of years, but ultimately, I figured out that when it became a job, that music lost its joy for me. And throughout my process of studying and earning my music degree, I was really involved undergrad student on the campus. I held undergrad positions in the health promotion office, I ended up getting elected to a student government position. I was volunteering as a mentor for the Diversity and Inclusion Center, working with Civic Engagement. And I had this aha moment about my junior year of undergrad that, "Oh my gosh, people do this for a living. I could do this for a living, I don't have to be a music teacher after all."

And then when I learned that I was framing it as has to be a music teacher, then I definitely knew it was not my career path, but I got to keep it as a path. So when I figured out that people could do this for a living, I started really deeply investigating the career journeys of those around me, and those who were supervising me as an undergraduate student, ended up going for a master's in College Student Services Administration from Oregon State University Go Beavs, and that's down in Corvallis, Oregon. Spent two years there working as a graduate assistant in the Office of Student Conduct.

And as I joke, no one says they want to be a student affairs professional when they grew up, they definitely don't say, "I want to be a student conduct officer when I grow up." That's that's not on that list.

Courtney Bullard:

Except me who says I'm going to come back as a student affairs person. That's only because when I was in college, I had no idea because I never... I actually was close to the president, I just was never around the student affairs office. And now looking back, I'm like, "I wish I had known that I may have..." I mean, I love my career path, but I may have done something different. I like to tell people this now all the time like, "You can actually work on a college campus, it's pretty cool."

Jill Creighton:

Yeah, it's pretty great. So after that master's degree, I ended up taking my first job right out of grad school at the University of Colorado Boulder. I worked as a student conduct officer there for two years before migrating down the road to the University of Colorado Denver, so it's the CU system. And I had a generalist role down there where I was working with student conduct, health promotion, commuter services, public private partnership and student housing, and all things weird, if that makes sense, like behavior intervention, threat assessment, any kind of typical problems that might arise, Title IX, etc/

I was investigating Title IX cases there and doing some day-to-day work with some undergrads. It was a job where I both planned the campuses first five K and then also worked on threat assessment. So it was a weird job, but I loved it.

Courtney Bullard:

Yeah. Only on college campuses that happens.

Jill Creighton:

But I loved it. And then took a leap of faith and ended up in New York City for several years. I worked at NYU for a good while and I loved that campus, I love that job, I love that community because I had the privilege of working with NYU Global Network or Global Campuses, the name keeps changing. But NYU has 14 campuses in all six habitable continents. And with New York City being the mothership of them all, the 13 others also have two other fully degree granting campuses. And my job was to lead student conduct efforts on all the campuses that were not in New York.

And I've been bitten by the travel bug my whole life, I've been to probably over 50 countries at this point, and that was just a dream for me. So I got to marry my passions of student conduct and my passion with international travel. And throughout this entire time too, I was elected to the board of directors for the Association for Student Conduct Administration. I served two years as treasurer and I also serve in the President Track for the last few years. We do a president-elect year, a full-president year and a past-president year. I just rolled off the board in February 2019, so it'll be my first season as a student affairs professional, not in that space for awhile.

After that, I had a down, I guess, not down, but a cross the country to the University of Oregon, spent a year there as an assistant Dean of students where I had food and home insecurity efforts, which is something that I'm also super passionate about, kept that student conduct lens and supervising the director of student conduct, and then also an operations component. And picked up a role on the NASPA Board of Directors, the regional board, not the national board, regional five board. So we say high five for region five, basically the Northwest BC, and then also serve on the public policy division.

Currently, today, I'm sitting with you in my office in Pullman Washington, where I've accepted a role as associate vice president of student affairs and dean of students at Washington State University. And we have six campuses across the state, I'm based in Pullman, but I will get to work with a system which is super exciting. And yeah, there's a lot there, I know that was long, but it's been a journey.

Courtney Bullard:

It's perfect. It sounds like a huge journey. And I will say that I think NASPA is great. And one thing before ever went in house, but it was how many different organizations exist out there for colleges and universities and then each facet of colleges and universities, but I've spoken for NASPA at the national conference many, many times, and then at our regional conference, I don't even know what region it is. I don't know if it's two, three, whatever, but it's a great organization.

I want to first talk about your experience at NYU, and that was really the main reason that I initially thought of you for this podcast, because I think my experience at least is student conduct certainly on campuses has to deal with international issues, but they're like few and far between. And so you've got your international services office or whatever it's titled, doing their thing, but sometimes there's this disconnect between that office and student affairs. And so when something happens on a trip abroad, for example, it can get pretty complicated, pretty fast, and they do a great job handling it, but it just can be complicated back.

So in your experience working with all of these 14 campuses and conduct issues, what would you say was the most challenging thing that you noticed between handling a conduct case on an international campus versus when one in the US or on your campus?

Jill Creighton:

I think the first thing is that there's no manual, there's no guidelines for how to do that. And so when it came into my role at NYU, I said to myself, "I've got a really good handle on how to manage student conduct, but now there's a whole other can of worms that is opened when we go abroad." And there's a couple of components to that I found particularly challenging. One is the Clery rule. And so the Clery Act has always said to us that we need to report-

Courtney Bullard:

Well, I thought you were Clery expert or intern... I forget how it was stated, Clery abroad, you specialize in Clery abroad and I was like, "Holy Moly, I do Clery audits and stuff all the time, but I cannot even imagine how complicated that gets."

Jill Creighton:

The thing is Clery is not a thing outside of the borders of the United States, right?

Courtney Bullard:

Right. Exactly.

Jill Creighton:

The question is always, where do our laws end and the sovereign nations begin? Wherever that might be. And so, because Clery says that we need to do our best to collect data, and then for awhile it was if you spend three or more days in a space, we just start to scratch our heads, because even if your campus doesn't have international campuses, I guarantee you your campus is regularly sending students abroad for things like alternative breaks or for academic courses where there might be a study abroad component as part of that class, or even if your athletic teams regularly play basketball in Singapore or something like that.

The analogy we were using at the time because it was quite prevalent in pop culture and in the media, was when the former athlete Ray Rice assaulted his partner in an elevator. If our athletic team or any team for that matter had been staying in that hotel, that very public assault would then have to be part of our Clery records under that law at the time. And so that interpersonal violence case was so damaging and so public, and also such a great example of when we travel, we don't get to control what happens in that environment, and so it's just a really difficult thing to wrap our heads around.

So when you apply that standard to abroad, especially because NYU had campuses abroad, when you ask the local police for statistics, they'll look at you blankly and say, "Why would you want that? We don't even have an obligation to give you that." Because open records aren't a thing in most other countries. So it was a nightmare, it was a bit of a mess. So that's the one thing that I think about.

Courtney Bullard:

Were you able to figure out how to streamline that, or is it just like hurting cats and wrestling wet pigs and you just have to go with the flow as things come up?

Jill Creighton:

Definitely the latter, because depending on the city, so NYU campuses are in Paris, Prague, London, Accra, Ghana, Sydney, Australia, and the United Arab Emirates and Abu Dhabi and Shanghai, China. And I'm missing a handful, but that's just to give you a sampling. And the residence halls for those campuses are not in the same police jurisdictions as the academic facilities either, and so it's multiple jurisdictions across multiple agencies, most of which I don't speak the appropriate language, but was very lucky to have staff on the ground who really understood that, and who were multilingual, a lot of polyglots in that community, and I'm very jealous of them.

Courtney Bullard:

Yeah, that's pretty cool. I'm terrible at languages. My daughter is learning Mandarin Chinese, and it's pretty cool to watch, but not something I was ever strong in. So you've got all these campuses that you're trying to handle the student conduct on from, this is just an assumption of mine, but on the one hand, it seems like it would be helpful because the code of conduct for the NYU mothership campus is the same code of conduct for these other campuses, is that right?

Jill Creighton:

Kind of. Yes and no. And so that's where that sovereignty of those other spaces comes into play. So for the other two campuses that had fully degree granting capabilities, they had some roles that were adapted to be the same, some that were not. Before I left that institution, one of the major projects was trying to get everyone onto the same code, but beyond that, every institution also had its own housing contract. And that came with its own set of rules because there were different obligations to the local culture.

Great example of this is in New York City, the likelihood of you being able to access any rooftop or balcony space is pretty much nil, but in the Shanghai campus, part of Chinese culture is that clothes are not dried in machines, they're almost all dried in the open fresh air, which means balconies. And so we had to look at those rules differently. Or the one cultural example that really comes to mind for me is we had students continually blowing power fuses in the residence halls from teakettles. And from our ethnocentric American lens, what we were missing is that cold water in Chinese culture is considered unclean and potentially dirty and unhealthy.

And so weren't doing a good job of providing the cultural expectation for consumption of water. And as a result, we were having students violating policy, but that wasn't their fault, and it was a bad policy given what we had known. And so ultimately, we had to change our practice in order to meet the needs of our students to then prevent that policy violation.

Courtney Bullard:

Oh, interesting. So you have all that going on and then in come, you got also this Title IX boom happening. And so did you see an influx of reporting on those international campuses like we saw here or everything's still going the same?

Jill Creighton:

Again, the deal here is that Title IX is not a thing outside of the boundaries of the United States. And this is the other component I'll really talk about as a challenge is that cultural consent is defined differently in different spaces, but because of Title IX and because of the way that our federal financial aid was

dulled out for our students to attend these abroad campuses, we still needed to apply Title IX, even if it happened somewhere in Ghana or somewhere in China, etc.

And so one of the things, I did a TED Talk thing at one of the ASA conferences a couple of years ago called Consent In Many Languages, and what are the cultural signals of nonverbal consent in other cultures, because even our investigators didn't necessarily have the training to understand, "Well, in this culture, this is a clear indicator of consent." And I think that's another hard thing for us to wrap our heads around, how does that look? What does that mean? What are the language cues? What are the social cues? Because we don't read those the same in every cultural context.

The one that sticks out for me the most is, we have a campus in Buenos Aires, Argentina, and I asked the Argentine community coordinator there about how they might perceive consent. And there are some components of that consensual culture that to me sound exactly like sexual harassment, that you and I would probably term as sexual harassment, but for there it's so normalized or included or accepted in the culture that it's hard to say what's sexual harassment and what's not.

Courtney Bullard:

Yeah. And that brings me to, I think something we talked about before, which is when you have foreign nationals coming onto your campus in the US with students and they end up in a Title IX case. And what I've seen is I have had some situations where with respondents and they're like, "Well, culture..." They're not verbalizing it in this way, but essentially, in their culture being very affectionate and being very close with somebody is acceptable and not a problem. So they could not understand why they were being charged and what that meant, and it was just a very difficult process for them.

So thoughts on that and ways to make that process accessible, we've talked about for everybody, and then the disability setting was something that's been on my mind, but ways that it can be accessible for these students who maybe obviously English is not their first language, they're coming from a different culture, and now they're assimilating into our culture, which has a different standard maybe than where they're from.

Jill Creighton:

There's a couple of components that I think are really critical here. First is that we need to honor everyone's cultural context, and that is also balanced with the need to follow the policies, the expectations, the cultural rules of the country that they have decided to come to, so much like as an American who travels a lot, I do my best to be respectful of customs that are both small and large that indicate respect for that community. We need our international students coming from anywhere else to do the same, but without sacrificing their identity and their values and their norms.

So there's always this question of where does the responsibility lie? And for me, it's twofold. One is, as an institution, when our international students come to campus, we have an obligation to be very explicit with what our rules and expectations are. I think that we make a lot of assumptions about what international students know and don't know, and particularly for our students where English is the first language, but American culture is a second culture.

I'm talking about our students from Canada, our students from England, Ireland, Australia, New Zealand, etc, where we make an assumption where a particular speaking accent also equates to cultural knowledge and it's just not the case. So we have the obligation-

Courtney Bullard:

That's such a good distinction.

Jill Creighton:

Yeah. It's a really important one because I think that we ignore our native English speaking students a lot when we have these conversations, but we have to be inclusive of them as well.

Courtney Bullard:

What do you do with those students to orient them? Do you do an orientation that's different for them or do most campuses do a different orientation for international students?

Jill Creighton:

I think the practice is pretty broad, pretty varied, but I do think that we have an obligation to get into that orientation space and not only talk about issues of sexual misconduct and consent, but we also have to talk about things like academic integrity standards and alcohol laws and all of these other things. But even our language is really critical because one of the things that I learned is that for a lot of our international students who are learning English as a second language consent means business transaction, has nothing to do with personal intimacy. So we need to start even further back than where we think we might be.

So we need to start from the very beginning, we need to be explicit with examples, we need to give real life scenarios. We need to give them an opportunity to talk through what ifs, and that is super, super helpful. The other thing is making sure that our policy is written in layperson language and it often is not.

Courtney Bullard:

Yeah. So that is something that taking all of this, even aside, I say all the time, if I can't understand it, a student can't understand it. And so making it very plain language, which I think we talked about in the first part of this podcast, if you're dealing with folks who do have PhDs or masters and who are obviously very well educated, then you get lawyers in the mix and we like to put all this language in there, and it doesn't serve the audience in the way that it needs to.

Jill Creighton:

Absolutely. And that's true for our domestic students as well. If I, as a person who've been working in higher education for a number of years now, can't understand our policy, then our students have no chance. And so we need to do a good job of retooling our policies, not for attorneys, not from that legal risk management perspective, but how does an 18-year-old student who may have never made a doctor's appointment for themselves in their lives also negotiate this very complex relationship space? But I also think there's some onus there on the K-12 system to start having these conversations a lot earlier. I'm a big proponent of harm reduction education, which includes comprehensive sexual health

education for young adults, because by the time they get to our campuses, regardless of the value system that that person was brought up in, they're still having these experiences or their friends are having these experiences, and we need to be able to talk about them.

Courtney Bullard:

Yeah, that's a huge deal with me. My own personal quest is doing these informational sessions for mostly just rising high school seniors or college freshmen, because that's just the audience I can get, especially when you're in the South and dealing with public schools. But because I just think we are doing such a huge disservice with our youth and not doing more education on all of these things at the K-12 level and then it's an unfair burden on higher education institutions, you're supposed to train them on consent in an hour in an orientation session, and then it's on you if they don't get it and something happens.

It's not on institutions the bad people's perceptions like, "Well, why didn't you handle this better? They should've known. Why wasn't the police there?" All those kinds of things. So it is a huge pet peeve of mine, and I don't know how to tackle it, but it's something that I think is so so important.

Jill Creighton:

And I saying even kindergarten classes start with some of that education where it's like, "Is it okay for me to give you a hug?" And that's a great place to start that conversation at age appropriate intervals. In our high school students, we're just not seeing them come prepared in an even way across the board. Some of our high school students have incredibly comprehensive education that starts really early, and some of our incoming students have never had an open conversation about sexual health or sexual education or consent or intimacy before. So it's a lot to launch into with an 18-year-old student when maybe their original cultural background comes from a place of shame or comes from a place of hidden identity or all of these other things.

And so, at the same time, we're navigating this adolescent brain and it's a far more complex issue than I think our policy makers give it credit for.

Speaker 5:

Did you know that ICS has a membership? Are you a Title IX coordinator that feels you can never keep up with the ever-changing Title IX landscape? Or do you need access tools that can help you stay current and perform your job at the highest level for your institution? Perhaps your campus needs help with training? Put our knowledge to work for you with an ICS membership, over 15 courses that can be used to train your campus, unlimited access to all ICS webinars, compliance aids and tools that are legally current, discounts on services and information to assist you with Title IX and other regulations such as Clery, FERPA, and the ADA are just a few of the benefits of an ICS membership.

Whether you are interested in one as an institution or as an individual, contact ICS today, or visit www.icslawyer.com to become a part of the ICS family.

Courtney Bullard:

So turning back a little bit to these international programs, you mentioned... I want to go ask you a question on the flip side, and that is, a lot of stuff happening where either they're going on faculty-led

trips for a course, or like you mentioned, going on these, I can't remember the term you used it for, but when they go over for a week or an experience or what have you, and I always feel bad, but one of the first things I typically will talk about with Title IX coordinators is, what are you doing about those programs? Do you even have a good handle on what's happening? Two, have you trained the faculty members? Have you talked to these students about how to report?

And I say I feel bad because they already have all these things they're trying to do, and it's just one more thing, but I found that to be an area that is very hard for them to wrap their arms around for lots of reasons, of course. But any thoughts there and advice on that, trying to get that collaboration between your international student services or whatever that might be titled at your campus, student affairs, and Title IX?

Jill Creighton:

Well, I think it's actually beyond the international office as well. There's a lot of faculty programs that will go abroad for a short-term study abroad without the international office even knowing, because a lot of times our international office are only about receiving students, not necessarily about sending students, it really depends on the setup. So I think there's a couple of things as first working with academic deans, or sometimes the keys are really with the associate or assistant deans too, to ensure that they have a good handle of when their faculty are going abroad and where, and then secondarily, providing a specialized training for those faculty on what it means to be a responsible employee under WIOA and under Title IX.

That responsible employee training is different than a campus security authority under Clery, which they may or may not be. But in this case, they have significant authority over a student, and so they are the responsible parties. So if something happens between two students on that trip, then they have several legal obligations that they need to execute. And one of the things that I tell faculty a lot is that you don't actually need to know what to do, you just need to know who to call, and if you can keep that in your head, then you're probably going to be in pretty good shape. The other analogy I use a lot is, "Hey, I'm the one with the oven gloves, so give me the hot potato."

Courtney Bullard:

I love the hot potato, I use that a lot.

Jill Creighton:

It's really true, right?

Courtney Bullard:

It is. It is.

Jill Creighton:

Really, really true.

Courtney Bullard:

I'm like, "Pass me the hot potato. Don't try to manage it, handle it."

Jill Creighton:

"We've got this and we're here to help you. And we're the ones with the specialized training to let you know what to do." And sometimes there is a abroad context. It's also important to know ahead of time, "Do we have money to pay for interim accommodations or interim measures?" Like if we have two students that need to be put into separate hotel spaces or lodging spaces, who pays for that? Where does that money come from? If someone needs to go home early for an interim measure, again, who pays for that? And those are questions that should be answered ahead of time. Or also, what do you do if a student becomes incarcerated while abroad? And that can happen for a large number of reasons, some of them inclusive of Title IX, but many not inclusive of Title IX.

Do you know your local diplomacy offices' phone number. Or even things like, do you know what the 911 equivalent is when you're abroad, because it's not nine one in most countries? So those are those basic checklist things I would really want faculty to know. And then I want them to have like a duty phone number for someone back in the United States. Or if they're in a region that doesn't have cell service, giving them a quick guide of what to do if something does occur so that they don't feel lost because our faculty members are extraordinarily intelligent content experts in their academic fields, but they just don't have the same specialized training when it comes to managing interpersonal violence between students.

Courtney Bullard:

Yeah. What do you want students to know? Because I know I've had some situations where there's one faculty member and however many, five students, and then something happens where the students feels that they've been harassed by the faculty member, but that's the only person they have to call, then that's who they are with. It's not the only person they technically have to call, but that's who they're with and then nothing's really done. Have you experienced that at all or have any suggestions there?

Jill Creighton:

So the suggestion I would offer there to students is that your resources are far more vast than just the person that might be leading your abroad experience. While we might be stateside, we might be several thousand miles away or even several times zones away, do what you need to do to take care of yourself first, whatever that might look like. And then that might also be going to law enforcement where you are, it also may not be depending on the culture. One of the things that I thought about a lot with our Middle Eastern campus at NYU was that the option of going to the police for sexual assault was probably not in the best interest of a survivor because sexual activity outside of marriage there is considered a crime, which means that the survivor might be arrested for being a victim of a crime due to the sexual activity outside of marriage, rather than the offender being arrested for perpetrating the crime of violence.

So I think about those things a lot. But when in doubt, contact your Title IX coordinator of wherever your campus might be, that person will, I guarantee you, want to hear from you, answer that email and figure out how to get you safe.

Courtney Bullard:

Yep. And I think the hard thing is when you do have faculty members taking folks on trips, then you don't always get to have that extra time in front of those students to get those messages across. And so I think you're exactly right, getting in front of the associate deans and department heads and saying, "Look, this is another layer you need to be thinking about so that we can ensure everyone is still safe and comfortable and knows what those expectations are." I think that's really important. It's easy to say and sometimes hard to do in practice

Jill Creighton:

It's really hard to do. I work on a campus of 30,000 students on our main campus in our total campus population and across six campuses, I get that as practically, it feels almost like an impossible lift, but it pays off in spades in case of an unfortunate situation of any kind, regardless of whether it's related to Title IX or not, having your faculty equipped to know what to do is an unbelievable gift.

Courtney Bullard:

Yeah, I totally agree. So I do want to turn a little bit to this concept of restorative justice, social justice, because I do get a lot of questions from my clients sometimes on what I think about it and how it could be made a part of code of conduct process, whether it involves Title IX or not. And I'll be honest with you, I'm not educated enough on it to give an answer and that's what I always say, except I can Google it, in fact, this is what I'm reading. So I'd really love to hear from you a little bit about that and your work in that area, how you see it being beneficial for campuses to consider, and all those good things.

Jill Creighton:

So I'll preface this by saying, I'm a trained facilitator for restorative justice through the University of Colorado, Boulder, and also through the Longmont Community Justice Partnership in Longmont, Colorado. But also, I am not the expert on this, educated, yes, expert, no. And so what I put out in space for you, Courtney, is you may want to consider speaking with Dr. David Karp. He is at Skidmore College in Upstate New York, and he would be the person that I would label as the expert. This is his life's work and he's super passionate about it. A couple of good books to read are; Restorative Justice on the College Campus, which is like a green textbook, and the Little Book of Restorative Justice.

But with all of that said, I am a huge believer in the restorative justice paradigm, and the criminal justice system we look at the retributive paradigm, which is, what did you do and how do you pay for it, the crime and punishment model. But restorative justice is far more aligned with the educational missions of higher education. So the restorative paradigm is hard and repair, who or what was harmed by the offenders actions and choices, and then what can they do to directly or indirectly repair that harm to those who received the harm.

And I've seen this play out over and over and over again as a beautiful way for young people to engage with their learning, but also in New Zealand, it's a really popular tool in the juvenile justice system. And it's also been tested in many countries as a way for families of murder victims to reconcile with the person or the crime that committed the homicide. So it's an extremely, extremely powerful tool. And what I like to say is, if it has been proven successful for homicide, certainly there's a space for us to figure out how we can incorporate this in sexual misconduct cases.

There's a lot of campuses that are doing this work really, really well in full fledged restorative justice programs, but what I see most often is practitioners taking the principles of harm and repair and excusing that question, that style, that philosophy into one-on-one hearings with students, mainly because the administrative burden of a full restorative justice program is a pretty heavy lift because of the training, because of the facilitation, and oftentimes, because of agreements with municipal courts.

Courtney Bullard:

And I'm glad you mentioned the resources because that was going to be my next question. If somebody wanted to learn more about it, or are there any campuses, they're in liberty to say that, "I have this full blown restorative justice program within student conduct that are out there that you're aware of"? Or are you allowed to say that?

Jill Creighton:

Definitely UC Boulder, University of Colorado Boulder, they've been on the forefront of it for a couple of decades now. They have this great agreement or at least I think they still have it with the municipal court in Boulder County, where a lot of what they call nuisance party tickets are deferred down into student conduct through restorative justice for resolution rather than going through the court process. Same thing for other types of community based things or even victim of gender-based violence. So that's been really popular. Take a look at Michigan, Skidmore is, again, where David carp is based. Those are the big three that come to the top of my head I'm sure there are many others that I'm not mentioning, but those are the three that I running the big programs anyway,

Courtney Bullard:

One thing that I feel like is happening with our young people, you're going to know this way better than me, is just in general, they're just having a hard time with any conflict management. And a lot of things that I guess when I was in school, maybe this is a gross generalization, but maybe were just simply a roommate disagreement are now coming to your offices to have to try to manage or figure out what to do. Is that sounds accurate the way that I'm saying it?

Jill Creighton:

Absolutely. The way that I frame that is an incredible decrease in conflict resolution skills across the board. And I personally attribute that to texting culture and the social media culture. I'm sure you're aware of the studies that demonstrate in our social media communities, we tend to put ourselves in echo chambers of people that share our opinions and we no longer know how to dissent or disagree without becoming aggressive. That civil space, civil disagreement space has disappeared largely over time, so instead of discourse and debate, we are engaging as a society, and it's a pretty damaging behavior online, trolling culture or whatever it might be.

And so what we're seeing with our students is because they learn to communicate primarily through their thumbs, texting on their phones, they no longer know how to confront someone with care. So that might mean everything from, "Hey, I need you to stop eating my spicy hot Cheetos," all the way through, "It's really bothersome for me when you have overnight guests." Or arguments about space and cleanliness and things like that. So you're spot on when you're saying our ability to

communicate those things is decreasing greatly. So what I see as teaching a lot and student affairs and higher ed are some of those intangible critical life skills.

And these are the skills that are going to take them into their first jobs, when they disagree with coworkers and things, but it's across the board, it's not specific to US American culture as far as I've had conversations with my international colleagues.

Courtney Bullard:

Yeah. And I think the flip side is also true, at least I see this in my own children and that is, if someone disagrees with them, they're like, "I've been bullied." It doesn't happen a lot, but one of my kids is like... And I'm like, "What do you mean?" And they're like, "Well, I said I like so and so, and then so and so said they didn't like that." I'm like, "That's not bullying, that's a disagreement." It's become this buzz term, I guess. And there's just a lot of terms out there, harassment, bullying. They obviously exist in capital B and capital H way, for sure, but then also they're just being used more as buzz words instead of in the appropriate context. I see that as well, I don't know.

Jill Creighton:

There was a great article I just read and it was like a short YouTube clip, and unfortunately, the citation is not in my brain, but I think it was in The New York Times or the LA times or something like that, but the title was something to the effect of, we need to stop teaching our young people how to be offended, instead not how to be offensive or something to that nature. But I really liked the messaging because what we have done as a society is taught ourselves and each other how to be deeply offended by a lot of things.

And some of it is incredibly warranted and it's a needed cultural shift like we should be deeply offended by misogyny. We should be deeply offended by homophobia or racism or transphobia or Islamophobia or all of these things that basically degrade other human beings. But then at the same time, we need to teach our young people how to engage in conversations with civility instead. And I think what we've learned to do is foreclose on each other really quickly, which is not within the mission of higher education.

Courtney Bullard:

Yeah. I agree. So I think with that, I'm at the close of everything, I'm sure we could talk forever, there's so many things, I love learning from folks like yourself who are immersed in what's going on with our students. I miss being on a college campus where I would get to learn what the newest app was or what have you that's out there so that I could make sure my kids weren't using it, but I don't get to hear about it as much in my role now as I did before.

Jill Creighton:

Well, Yik Yak died, so you got that going for you.

Courtney Bullard:

Yeah. That's very good, that was a mess. So I guess I just want to finish out as we did. I have one fun question I want to ask you, which is, you said you'd traveled to 50 countries, what has been your favorite?

Jill Creighton:

Oh, that's an unfair question to all the other 49.

Courtney Bullard:

Well, I know. I guess I could say second.

Jill Creighton:

But there are places on earth that I love for very different reasons. Iceland is one of my favorite places on earth. It's the only country that I continually repeat trips to. So I've been able to go a couple of times and planning on another, hopefully in the next couple of years. It's just incredibly beautiful, it's peaceful, there are geologic features of that country that just don't exist anywhere else in that concentrated of a space. So Iceland is definitely up there in the top five. I had the amazing opportunity to go to Peru last summer and explore a couple of different regions of Peru, Cusco Sacred Valley, did the Machu Picchu thing, also got to go up to the Juliaca area and spent some time in Puno and Lake Titicaca.

Trying to think of where else really hits my highlight, but to be honest, my favorite sound in the entire world is a passport stamp, and so oftentimes, I'll say my favorite place on earth is wherever I am.

Courtney Bullard:

That's awesome. I love it. I traveled a lot younger, but as I've gotten older, I haven't gotten to much internationally, of course. And I just think if you have the means to do it, it's so important. And I was saying in our podcast about, I'm just a white female, but I did get to travel a lot as a child, and I think sometimes it's why I was more open and more open and I don't think about all these differences that sometimes people think about, especially in the South. I think travel just shows you there's so much out there in the world, so I can experience it through you, I guess.

Jill Creighton:

Global identity.

Courtney Bullard:

I'm trying to find a trip next summer.

Jill Creighton:

Oh my gosh, I'm so excited for you, but global identity is super salient for me and that's just something that I keep at my core.

Courtney Bullard:

Yeah, it's really cool. And then, any favorite books that you're reading right now?

Jill Creighton:

I am just neck deep in a doctoral program, so I don't really get to read for pleasure much. The two books that I've been reading most frequently are Shopfronts and Hide, Classics of Public Administration. And

there's a book, I believe the author's name is Johnson on statistical research methods, so not much joy in that-

Courtney Bullard:

You're reading the nerdy stuff right now.

Jill Creighton:

I am, for better or for worse.

Courtney Bullard:

Yeah. I love it. Well, good luck in finishing out your doctoral program. I know this is the nitty-gritty time and it's a lot, but that's great. And I wish you all the luck in the world, so I can call you doctor here in the near future appropriately. And I really appreciate you being willing to talk to me, we literally spoke for five minutes, but I've loved when I've reached out to people for my podcast, everyone's so open and willing and the fact that you already have one, it's great, and being able to do crossover podcast is great. So I really thank you for your time.

Jill Creighton:

And thank you for this experiment, I hope it goes well for both of our shows.

Courtney Bullard:

Me too. Me too.

Jill Creighton:

Awesome. Well, thank you Courtney for having me on and yeah, I look forward to maintaining our connection.

Courtney Bullard:

Yes, me too. Very much. Thank you so much for tuning in this week to my episode with Jill. I hope you learned as much as I did from her and her experiences. I can tell you, after speaking with her, I'm ready to go and embark on some international travel, very jealous of all the experiences that she has had. As you notice from our conversation, we recorded a crossover podcast, which means that I interviewed her for the Law and Higher Ed Podcast, and she interviewed me for the Viewpoints Podcast. As soon as their podcast is up, I will link to it in the show notes, so I hope you'll tune into that.

And if you're a student conduct officer and have not listened to their podcast already, definitely be sure to tune in. As always, if you're enjoying this podcast, please go and subscribe, rate and review the podcast, hook up with me on social media, through LinkedIn, Twitter, Facebook, and we've added Instagram here at ICS. And if you want any more information on our services, you can find those at www.icslawyer.com, which is linked in the show notes as well. Thanks. And I'll see you next episode.

This podcast does not establish an attorney-client relationship, which is only formed when you've signed an engagement agreement with ICS. It is also not intended to replace any legal advice provided by your legal counsel, it is for informational purposes only.

