

Law, Policy, and Governance

Description:

The Law, Policy, and Governance competency area includes the knowledge, skills, and attitudes-dispositions relating to policy development processes used in various contexts, the application of legal constructs, compliance/policy issues, and the understanding of governance structures and their impact on one's professional practice.

One should be able to:

Basic

- ~~Describe the system used to govern or coordinate one's state/province system of higher education, including community college, for-profit, and private higher education. Describe the systems used to govern public, private, and for-profit institutions of all types (two-year, four-year, graduate, professional, vocational, etc.) in one's state/province and nation.~~
- Explain the differences between public, and private, and for-profit higher education with respect to the legal system and what they may mean for respective students, faculty, and ~~staff~~ student affairs professionals ~~at both types of institutions.~~
- Describe how national and state/provincial constitutions and laws influence the rights ~~that of~~ students, faculty, and staff ~~have~~ on public and private college campuses.
- Describe ~~the~~ evolving laws, policies, and, compliance, and judicial rulings ~~legal theories~~ that define-influence the student-institutional relationship and how they affect professional practice.
- ~~Describe the federal and state/province role in higher education.~~
- Describe the public debates surrounding the major policy issues in higher education, including access, affordability, accountability, and quality.
- Act in accordance with ~~federal and state/province~~ national, state/provincial, and local laws and with institutional policies regarding non-discrimination.
- ~~Identify the major policy makers who influence one's professional practice at the institutional, local, state/province and federal levels of government.~~
- ~~Identify the internal and external special interest groups that who influence policy makers at the department, institutional, local, state/province, and federal levels. Identify major internal and external stakeholders, policymakers, and special interest groups who influence policy at the national, state/provincial, local, and institutional levels.~~
- Describe the governance systems at one's institution, including the governance structures for faculty, student affairs professionals, staff, and students.
- Describe how policy is developed and implemented in one's department and institution, as well as the local, state/province, and federal-national

	<p>levels of government.</p> <ul style="list-style-type: none"> • Explain when<u>Know when and how</u> to consult with one's immediate supervisor and campus-institutional legal counsel about these<u>regarding</u> matters that may have legal ramifications. • Explain the concepts of risk management, <u>reasonable accommodation</u>, and <u>enact</u> liability reduction strategies. • <u>Demonstrate awareness of inequitable and oppressive ways that laws and policies are enacted on vulnerable student populations at national, state/provincial, local, and institutional levels.</u> • <u>Describe the student conduct process at the institutional level and demonstrate concern for the legal, social, moral, educational, and ethical expectations of the community.</u> • <u>Encourage and advocate participation in the national, state/provincial, local, and institutional electoral processes at all levels when applicable.</u>
Intermediate	<ul style="list-style-type: none"> • Identify emerging <u>law and policy</u> trends in the law and understand and discuss how they affect current case precedent. • Explain the parameters established by the external governing bodies to which one's institution reports as it relates to one's professional practice. • Explain the operating parameters established by the internal governance system of one's institution as it relates to one's professional practice. • <u>Explain parameters established by relevant external and internal governing systems as related to one's professional practice.</u> • Explain the legal theories connected with torts and negligence and how they affect professional practice. • Explain the legal theories connected with contract law and how they affect professional practice. <u>Explain legal theories related to tort liability, negligence, the exercise and limits of free speech, discrimination, and contract law and how these theories affect professional practice.</u> • <u>Implement policies developed by one's department and institution, as well as the local, state/provinciale, and federal-national levels of government.</u> • <u>Critically examine laws and policies to ensure their equitable and fair use on campus.</u> • Implement best practices of the profession to advance one's institution with respect to access, affordability, accountability, and quality. • Incorporate best practices of the profession when managing institutional and personal tort liability. • <u>Appropriately consult with students and/or represent the student voice in departmental, divisional, and institutional policy development efforts.</u> • <u>Implement student conduct processes, hearings, and regulations that support the legal, social, moral, educational, and ethical expectations of the institutional community.</u> • Use data appropriately to guide the analysis and creation of policy.
Advanced	<ul style="list-style-type: none"> • Develop institutional policies and practices that are consistent with federal and state/province law.

- ~~Develop institutional policies and practices consistent with emerging trends in higher education law.~~ Develop institutional policies and practices that are consistent with national, state/provincial, and local law as well as with emerging legal trends.
- Develop institutional policies and practices that effectively manage institutional and personal tort liability.
- Develop institutional policies and practices consistent with contract law.
- Develop institutional policies and practices consistent with civil rights, desegregation, and affirmative action law. Develop institutional policies and practices consistent with national, state/province, and local laws related to institutional and personal tort liability; contracts; the exercise and limits of free speech by faculty, student affairs professionals, and students; and civil rights, desegregation, and affirmative action.
- Provide appropriate and ethical influence with the governing bodies to which one's institution reports. Challenge biased laws and policies and advocate for the design and implementation of equitable laws and policies.
- Participate effectively in the governance system of one's institution when appropriate.
- Develop policies in one's department and institution, and influence policy making at the local, state/province and federal levels of government when appropriate.
- Develop and assess the rules, procedures, and standards for student conduct processes and ensure that these policies and procedures meet the legal, compliance, and policy mandates for the institution.
- Ensure departmental programs, services, and facilities are compliant with any applicable legal, compliance, environmental policies and/or mandates from governing bodies.