Spring 2019

HEARING FROM THOSE APPOINTED TO HEAR: AN ASSESSMENT OF CONDUCT OFFICER TRAINING AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI

Donavan L. Johnson
University of Southern Mississippi

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HEARING FROM THOSE APPOINTED TO HEAR: AN ASSESSMENT OF
CONDUCT OFFICER TRAINING AT THE UNIVERSITY OF SOUTHERN
MISSISSIPPI

by

Donavan L. Johnson

A Doctoral Project Submitted to,
the College of Education and Human Sciences
and the School of Education
at The University of Southern Mississippi
in Partial Fulfillment of the Requirements
for the Degree of Doctor of Education

May 2019
This Doctoral Project was approved by:

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Dr. Holly Foster       Advisor

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Dr. Sandra Nichols    Director

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THE UNIVERSITY OF
SOUTHERN MISSISSIPPI
ABSTRACT

The purpose of this study was to assess conduct officer training at The University of Southern Mississippi (USM) by determining how well conduct officers are trained as evaluated in 25 areas in the use of adjudication/appeals boards by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP) and how judicial administrators can enhance such training to advance the work of student conduct at USM. The results of this study have the potential to advance the work of judicial affairs on campus, and also to further develop USM students ethically and morally. Current and former University conduct officers were emailed a survey comprised of four parts: participant demographic information; a 25-item Likert scale instrument assessing retrospective knowledge mean levels before and after training; a five-item Likert scale instrument examining perceived important components of the USM conduct process; and four open-ended questions. Of the 56 conduct officers on record, 14 conduct officers began and completed the survey.

Analysis of the responses indicated the following: of the 25 areas in the use of adjudication/appeals boards as outlined by CAS for SCP, conduct officers at USM reported lower retrospective knowledge mean levels after training than before training. Some of those areas include knowledge of the USM Code of Conduct; knowledge of potential sanctions utilized in the conduct process; knowledge concerning conducting a student conduct conference with a student; knowledge of the Family Educational Rights and Privacy Act of 1974 (FERPA); and knowledge of higher educational law; however conduct officers overwhelmingly agreed that knowing University policies; conduct
officer preparedness to adjudicate conduct cases; and adhering to privacy and confidentiality policies and laws regarding student records are perceived as highly important in the USM conduct process. Participants in this study expressed a desire for more opportunities to serve on panels and increased training in the areas of sanctions and sanctioning type. The data collected from this doctoral project provides useful information regarding the future training of conduct officers and the enhancement of the student conduct process and conduct environment on campus, both of which contribute significantly to USM students’ retention, persistence, and overall moral and character development.
ACKNOWLEDGMENTS

First and most importantly, I would like to give reverence to the triune God. In acknowledging Him, He has promised to direct my paths. I realize that my steps have already been ordered, and I thank Him for being my refuge and strength and for extending mercy and grace in my times of need.

I would like to thank my family—especially my parents (Lee and Cynthia), twin sister (ShaDonna), and grandparents (Dr. Percy Pollard Jr., and Earnestine Pollard) — and church family for their continued encouragement, unwavering support, and unfailing love. This degree is as much theirs as it is mine. I could not have accomplished any of this without your push and your prayers.

A special thanks to Drs. Platt, Foster, and Hill. The three of you have inspired me to represent our program, our University, and our profession with the utmost respect and integrity. It is my desire that tens of thousands of students hereafter will be greatly impacted by all you have instilled in me.

To the faculty in our program, thank you for your opened doors, listening ears, and challenging instructions.

To Zita and Mihili, thank you for assisting me with my statistical analysis. I am forever grateful.

Lastly, I would like to thank members of my doctoral cohort, especially Zachary A. Turner, for the many wonderful memories throughout our doctoral journey. In you, Zack, I have gained a colleague, friend, and brother for life.
DEDICATION

I dedicate this work to the memories of my grandparents: Mr. Herman Moffett; Mr. Leo Johnson; and Mrs. Odell Johnson. Though you are not here to witness such an accomplishment, I know without hesitation or reservation that you would have been so proud of me. I am eternally blessed to be your grandson. I love you.
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# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CAS</td>
<td>Council for the Advancement of Standards in Higher Education</td>
</tr>
<tr>
<td>CHP</td>
<td>Conduct Hearing Panel</td>
</tr>
<tr>
<td>SCP</td>
<td>Student Conduct Programs</td>
</tr>
<tr>
<td>USM</td>
<td>The University of Southern Mississippi</td>
</tr>
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</table>
# LIST OF TERMS AND DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Formal system</strong></td>
<td>Conduct system that uses legal terminology and allows formal wear (e.g., robes) in the conduct process</td>
</tr>
<tr>
<td><strong>Informal system</strong></td>
<td>Conduct system that uses non-legal terminology and allows non-formal wear in the conduct process</td>
</tr>
<tr>
<td><strong>Mixed system</strong></td>
<td>Conduct system that uses components of formal and informal systems</td>
</tr>
<tr>
<td><strong>Restorative justice</strong></td>
<td>A method in which harmed parties are encouraged to have dialogue with offenders</td>
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CHAPTER I – INTRODUCTION

For many years, American higher education has been known for its role in developing citizens who not only think critically, but also act morally. According to Pascarella and Terenzini (2005), it is expected that the college experience offers students growth in cognitive development and moral reasoning. For some students, however, the latter is attained after experiencing an effective student conduct process.

Consider the example of Drew, a 19-year old college freshman, who was sitting inside his parked car with a female student. While patrolling the area, University police inquired why two students would be in the parking garage so late at night. Believing the ordeal to be highly suspicious, the officer asked Drew if he could search the vehicle. Confident that the he and his friend have done no wrong, Drew insisted and complied to the search. Unbeknownst to Drew, a small amount of marijuana was located in the middle console of his car. After immediately informing dispatch, the officer proceeded to issue a citation, and Drew was charged with possession of an illegal substance by a minor, his first on-campus offense. After registering the marijuana as evidence, Drew’s actions were reported to the Office of the Dean of Students where his case would later be reviewed by the university’s chief judicial officer.

After his administrative hearing, Drew was found responsible in violation of the drug policy for possession of an illegal substance. Because Drew was confident that he had no knowledge of the substance in his car and that his cousin most likely hid the marijuana earlier that day, he accepted responsibility but remained adamant that the substance was not his. As such, Drew decided to appeal the chief judicial officer’s
decision and elected to have his case heard before the conduct hearing panel (CHP) for further review as is typical at The University of Southern Mississippi.

Predictably, some college students will find themselves at odds with the institutions they attend, particularly in cases when their individual choices differ from the expectations set by their institutions (Cooper & Schwartz, 2007). Since the academy is indeed a marketplace of ideas, what Bracewell (1997) conveys is true: institutional administrators are beholden to the wellbeing of the campus community by establishing acceptable and non-acceptable behaviors, along with determining standards of citizenship for all its members. It is through implementing policies, carried out by the student conduct process, that such standards are communicated, then reasserted, by administering sanctions aimed at achieving character and moral development.

Perhaps the reason why student conduct processes warrant considerable attention, and oftentimes scrutiny, is because of the valuable role the system plays in higher education—providing a distinctive purpose in safeguarding university missions, visions, and values; offering opportunities to correct student behaviors not conducive to the learning environment; and ultimately cultivating the whole student.

Certainly, educating students and fostering moral development throughout the conduct process should be of chief concern for any university administrator and campus community. After all, this process is critical to ensuring students’ moral development and their ability to discern right from wrong (Rodgers, 1990). Equally of concern, however, is the ways conduct officers are trained to adjudicate conduct cases. As Jansen (2016) writes, “the decisions of university hearing officials will forever impact a student’s career, education, and life” (p. 95). Because the decisions of conduct officers at USM can
impact students who participate in the conduct process, critical attention to how knowledgeable faculty, staff, and students are in performing their duties and what components of the conduct process are perceived as important to conduct officers should be examined.

Background

One of the earliest functions in student affairs is adjudicating student misconduct on college campuses (Howell, 2005; Lowery, 2001). According to Stimpson and Stimpson (2008), “College administrators have been concerned about student misconduct for as long as students have been coming to college” (p. 15). Even at the outset of American higher education at Harvard in 1636, faculty and administrators were challenged to provide a sense of order and stability on their campuses. The challenge to maintain stability still remains (Howell, 2005).

According to Horowitz (1987), student riots were prominent in the early eighteenth and nineteenth centuries. This type of unruly behavior affected many colleges and universities, mostly religiously affiliated, during this time period. As such, faculty and administrators began to seek ways to discipline students on their campuses but found that the rules established for the university community conflicted with familial ways in which wealthy students were raised (Dannells, 1998; Horowitz, 1987). Student discipline, however, educated college students morally, ethically, and religiously— an important part of student learning just as the traditional or standard curriculum was at that time (Horowitz, 1987).

Student discipline also played a vital role in the missions and values of early institutions. For example, Harvard’s conduct rules in the 1860s were approximately forty
pages in length and were regarded as so important that the president issued grades (with
the help of college tutors) to each undergraduate student on the basis of student conduct
(Bok, 1990). Additionally, senior students were often required to take capstone courses in
moral philosophy which were also taught by the university president (Bok, 1990).
Though issuing grades to students and requiring classes in moral philosophy were
considered positive steps in fulfilling missions and values of early institutions, initiatives
like these did not go unchallenged. Students periodically warred with university
presidents, and while some altercations lasted merely a few hours, some altercations
lasted for several weeks which eventually contributed to university closures in some
cases. The perpetual decline of faculty, students, and those who extended institutional
support would soon follow. Subsequently, faculty were determined to “put students in
their place” (Horowitz, 1987, p. 11).

In some instances, continued clashing caused presidents and students to exercise
their frustrations towards one another. In 1800, for example, skirmishes on Princeton’s
campus ensued when students disrupted morning prayers and irritated the speaker with
the sounds of boots scraping against the floor. The president, Samuel Stanhope Smith,
dismissed three seniors, and their fellow students rushed to their defense. They fired
pistols, used brickbats against school property, and rolled a barrel of stones in the
hallways of the administration building. Just two weeks later, one of the three students
returned to campus; a tutor having plans to report the student to administration would
never have the chance to do so as he was viciously attacked. Shortly after, another riot
commenced and could only be controlled after President Smith threatened to close the
doors of the college. Students would later go on to nail entrances of doors and yell “Fire!” from the rooftop of the administration building (Horowitz, 1987).

Such roguish acts were not unique to Princeton as The University of North Carolina (UNC) experienced student mischief as well. At UNC, students horsewhipped their president, participated in the stoning of professors, and threatened faculty members with serious injuries (Horowitz, 1987). In the early 1800s, Yale students bombed residence halls, and in a separate incident, a student killed a tutor for trying to diffuse a brawl on campus (Horowitz, 1987).

Episodes like these prompted early administrators to implement codes of behavior (often enforced by faculty) to establish parameters and keep students under control. When students behaved chaotically, strict penalties were imposed. Some of the earlier sanctions, for instance, included public confessions of disgraces or failures from students; paid fines; and corporal punishment. If the offense was more serious and none of the aforementioned seemed sufficient, trustees of institutions would interject and address student discipline matters in lieu of the faculty (Schetlin, 1967).

All of these methods—implementing moral courses and codes of behavior on campuses, grading students based on moral philosophy, and ultimately dismissing students from the college in certain cases—were in an effort to infuse college communities with the importance of moral values within the context of the larger society.

*A Change in Student Discipline*

Over time, the ways in which colleges and universities practiced student discipline required modifications. In the nineteenth century, several factors encouraged, if not forced, administrators and faculty to rethink how student discipline was to be carried
out on college campuses. These factors included broader aims and objectives of institutions; a surge in student enrollments; and added responsibilities for college presidents (e.g., developing a more expansive curriculum, overseeing fiscal management, raising funds, etc.) (Dannells, 1988). Moreover, institutions became increasingly secular affecting the makeup of student populations. As coeducational institutions became more customary, the ways in which students were disciplined needed a rather different approach. Specialized individuals (known as dean of men, dean of women, or dean of students) assumed responsibility for the oversight of student conduct matters on college campuses (Dannells, 1988; Horowitz, 1987). Early deans were optimistically committed to the work of student development and practitioners used counseling techniques as a means to prevent unruly behavior which became the standard form of corrective measures for colleges and universities moving forward (Dannells, 1988; Fley, 1964).

Undergraduate deans further existed to oversee the non-academic life of the academy. Through providing counsel and inspiration, deans were able to give much-needed advice on nearly any issue pertaining to student life — from the seemingly most trivial of things such as where to buy articles of clothing or sewing materials to the more critical choices in life such as what career to choose or what qualities should one look for in a significant other (Horowitz, 1987). Yet, the most important task of these individuals was to ensure that college life for students aligned with the goals of the administration. In doing so, deans worked tirelessly to plan student activities and provide opportunities for student leadership (Horowitz, 1987).

A Brief History of Student Conduct Boards
Not only did the individuals who carried out the work of student discipline changed, but the model by which to do the work of student discipline also changed. According to Schetlin (1967), American institutions incorporated the German university philosophy of commitment to the intellectual growth of students; thus, placing a greater focus on self-discipline and self-governance. To this end, college and universities created honor systems and student governments.

Throughout the 1950s and 1960s, disciplinary affairs further transitioned to more control-oriented, democratic methods aimed towards educating and rehabilitating students as opposed to the more traditional, overbearing, and punitive measures (Dannells, 1988). Throughout the late 1960s and 1970s, students became increasingly involved in the processes of disciplinary affairs and provided input into student codes. Horowitz (1987) writes of this experience: “As students sat on disciplinary councils and deans crowned homecoming queens, the two seemed to be partners in promoting the good of the school and in developing school spirit” (p. 111). Although students’ riotous, self-indulging, and adverse ways resurfaced occasionally, relationships between the administration and students seemingly progressed for the betterment of the university community (Horowitz, 1987).

The renewed partnership between administrators and students also created headway for the formation of disciplinary hearing boards, composed of staff and students, which existed to ensure students’ rights and responsibilities as well as due process in the student conduct process (Sims, 1971). This advancement was credited to many factors: older students were attending universities; the emergence of the civil rights movement; the power of student activism and protests; and increasing participation of the court
systems intervening in the disciplinary process (Dannells, 1977). For example, the landmark case of 1961, *Dixon v. Alabama State Board of Education*, brought an end to *in loco parentis* and changed the landscape of higher education law (Lancaster, 2012). What was learned from this case was twofold: for students, a call to pay close attention to the consequences of their actions; for administrators, a glaring reality that college students should not be treated merely as children.

Student conduct systems, with the addition of administrators determining appropriate sanctions for violations, were later formed with the consideration of recognizing students’ rights as a priority. Linked to this logic of thinking, however, was the challenge of adjudicating on college campuses with the continued involvement of court systems. As a result, challenges had arisen from this style of adjudication, but such a process of approaching student discipline or implementing a system that mirrors that of the criminal justice system, brought with it a momentous concern—fear of focusing solely on the disciplinary process rather than an educative purpose (Dannells, 1978). As a result, college and university administrators’ understanding of the origin of student conduct and their personal philosophy of student discipline began to determine what corrective measures were to be taken and whether or not those measures were to be punitive, rehabilitative, educational, or developmental (Dannells, 1988). And, when there were times when it appeared as though this approach was not always explicitly stated, instilling moral values in students remained as a priority in American higher education (Lancaster, 2012; Schetlin, 1967).

The aim for conduct officers should not be to discover new and innovative ways to dismiss students from campus (Karp & Sacks, 2012); however, conduct officers should
aim to help students arrive to the conclusion of accepting responsibility for their actions, assist students in making amends to the university community, and ultimately encourage students to stay enrolled in college (Pavela, 2009). Additionally, student development and educational sanctioning, the twin goals of student conduct, should be critically important to conduct officers and judicial administrators (Karp & Sacks, 2012).

Problem Statement

Although very seldom highlighted in research, sanctioning is critical in the student conduct process, and university administrators have been consistent in their practice to issue various sanctions for decades (Dannells, 1990; 1991; Kompalla & McCarthy, 2001). In fact, sanctions issued as early as 1978 included “oral warnings, written reprimands, probation with restrictions, monetary restitutions, fines, required labor, suspensions, and dismissals” (p. 20). Today, the majority of judicial administrators in student conduct believe the discipline process should be infused with educational principles and outcomes more so than traditional punitive approaches of old (Dickstein & Christensen, 2008). The overarching objective of the student conduct process is to help students arrive to a place of self-awareness and self-reflection. In other words, students should discern how their actions affect themselves; how their actions affect their peers (i.e., the university community); and how their actions should not bear repeating, thus helping to correct previous behaviors with the goal of moving forward. Recognizing the effects of inappropriate behavior to all parties involved and how best to move forward are the primary goals of sanctioning in the student conduct process (Kompalla & McCarthy, 2001).
To effectively assist students in progressing after committing offenses, however, sanctions must be appropriate to the nature of the harm committed and to the degree of seriousness to the violation. As Frederickson (1992) asserts, the myriad of sanctions noted in codes of conduct provide opportunities for students to grow and learn. The question then becomes how effective can sanctions and the sanctioning process be, particularly if conduct officers are not being educated concerning the nuances of the conduct process? Sanctioning and sanctioning type are important, yet equally as important is the decision-making process carried out by conduct officers that lead to administering sanctions (Janosik, 1995).

At the University of Southern Mississippi, conduct hearing panel (CHP) members are designated as official conduct officers of the university. Members are appointed and “authorized by the dean of students to make administrative decisions concerning violations of the Code of Student Conduct” (“Students Rights and Responsibilities, 2018, p. 3). As stated in the Code of Student Conduct, members of the conduct hearing panel (i.e., the panel responsible for adjudicating student conduct cases) will consist of fifteen (15) faculty and/or administrative staff appointed by the dean of students; twelve (12) undergraduate students appointed by the student government association; and six (6) graduate students appointed by the graduate student senate. After appointment and before adjudicating a case, conduct officers are required to complete an initial three-hour training, which is administered by the Office of the Dean of Students. The training is repeated annually for continuing officers.

During this unique three-hour training session, members are familiarized with the USM Code of Conduct and given a presentation (see Appendix E) by the associate dean
of students which addresses a variety of topics: roles of the Dean of Students Office and Conduct Hearing Panel; the Creed at Southern Miss; Chickering’s Seven Vectors; conduct, choices, and consequences surrounding student development; USM’s Student Code of Conduct; pertinent definitions outlined in the Code; types of conduct; prohibited conduct; student conduct procedures; hearing procedures; disciplinary sanctions; and additional terms significant to student conduct (i.e., Campus Save Act, Cleary Act, Title IX, FERPA, and duty to warn). Trainees are given a physical copy of the code of conduct to reference at any point thereafter.

It is presumed by the researcher that the required training provides knowledge to each individual in effectively and successfully performing their duties as ineffective training would be counterproductive to the very existence and purpose of judicial hearings— to educate college students while also cultivating moral development. Furthermore, inadequate training may unfavorably affect the university’s conduct system environment contributing to negative implications for students. As Stimpson and Janosik (2015) point out, what students think regarding the conduct system and what is perceived procedurally have much to do with what is learned throughout the student conduct process. They also note that a student’s ability to learn, grow, develop, and ultimately amend past behaviors hinges upon a well-established conduct system environment which includes well-trained conduct officers.

Properly training conduct officers garners the advancement of knowledge, skills, and practice in an increasingly complex field of judicial affairs. Additionally, staffing conduct hearing panels with members of the university community, namely students and peers, adds immense educational value to the student conduct process (Gehring, 2001;
Ostroth, Armstrong, & Campbell, 1978). Several of these values — “increased listening and analytical reasoning skills, appreciation for moral decision-making, and a renewed commitment to the institution” — as Shook (2013) concurs, will be difficult to achieve for students supposing adequate training is lacking to those entrusted to provide said values to students who experience the conduct process.

For conduct officers to effectively accomplish their obligations throughout the conduct process, they must be well-trained in the practice of student conduct (Zdziarski & Wood, 2008). To date, no data exists to confirm that conduct officers at USM are knowledgeable in their work as conduct officers or if they value the work they do. This study seeks to discover how knowledgeable and confident faculty, staff, and students are in their service as conduct officers; what important components of the conduct process are perceived as important to conduct officers; and what judicial administrators can do to enhance conduct officer training at USM.

**Purpose Statement**

The purpose of this quantitative study is twofold: 1) to determine how well conduct officers are trained when evaluated in 25 areas in adjudication/appeals boards by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP) (see Appendix H) and 2) how judicial administrators can enhance such training to advance the work of student conduct at USM. The data collected will provide useful information regarding the future training of conduct officers and add to the enrichment of the student conduct process and conduct environment at USM, both of which contribute significantly to student retention, persistence, and overall moral and character development.
Research Questions

1. How well do training sessions prepare conduct officers at The University of Southern Mississippi when evaluated in 25 areas in adjudication/appeals boards by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP)? Identify self-reported retrospective knowledge levels of conduct officers before and after training.

2. What components of the conduct process are perceived as important to conduct officers at The University of Southern Mississippi? Identify important components of the conduct process as perceived by conduct officers.

3. What action(s) should judicial administrators take to enhance conduct officer training at The University of Southern Mississippi? Determine strategies and recommendations to advance conduct officer training.
CHAPTER II – LITERATURE REVIEW

While there is scant literature regarding student conduct processes, significant strides have been taken by scholars to publish the progress of student conduct in American higher education. Literature reviewed includes types of conduct systems, students’ perceptions of procedural fairness regarding conduct processes, and overall student learning outcomes associated with conduct systems. Additionally, this literature review covers other factors related to the student conduct process such as conduct and campus environments, sanctions and sanctioning types, conduct codes, and recommendations to current and future judicial administrators. While it is preferable that literature reviewed not to exceed ten years of age in publication date, normal restraints needed to be lenient for this research study.

Types of Conduct Systems and Effectiveness

When determining overall effectiveness of conduct systems, judicial administrators consider comparing their conduct processes to processes at other institutions as highly valuable; however, there is little exploration shared in this area of research (Emmanuel & Miser, 1987; Zacker 1996). Fitch Jr. and Murry Jr. (2001) posit that before effectiveness can be fully determined, conduct systems must first be characterized by their shared practices before efficient assessments among student conduct processes can be observed. This stance led to a study that examined the effectiveness of three types of judicial systems at doctoral-granting institutions across the nation. The purpose of this study was to determine which system was most effective adjudicating student conduct cases.
The three systems were categorized as formal, informal, or mixed judicial systems based on the terminology outlined in codes, how conduct cases were adjudicated, and other characteristics associated with the conduct process (Fitch Jr. & Murry Jr., 2007). The researchers determined effectiveness by taking the resolutions of conduct cases and comparing those results to common resolutions reported by other judicial officers at their respective institutions.

The study established that formal systems used more legalistic terms such as “guilty,” “court,” and “sentence,” while also requiring students to wear more official attire such as robes for board members. Additionally, formal systems permitted actual attorneys to attend hearings (Fitch Jr., & Murry Jr., 2001). Informal systems, however, used fewer formal terms and instead used terms such as “responsible” and “irresponsible.” These systems do not require students to dress formally and ensure hearings were less ritualistic with no attorney present save in the rare case of negligence (Fitch Jr. & Murry Jr., 2001). Finally, mixed systems describe a blend of formal and informal hearing systems. For example, a mixed system uses terminology that is regarded as more formal (e.g., defendant), but may not allow lawyers to participate in hearings. (Fitch Jr. & Murry Jr., 2001).

Types of Conduct Codes

Various types of conduct codes are used in conduct systems. Martin and Janosik (2004) performed a content analysis study assessing 20 different types of student conduct codes. The researchers were investigating to what extent judicial administrators removed legal terminology from those codes as suggested by experts in the field of judicial affairs. The topics covered in the study were: language used; legal terminology used in the code
of conduct; variations of legal terminology among private, public, and non-profit institutions; and variations of legal terminology among private, public, and non-profit institutions. After the data were collected, Martin and Janosik (2004) grouped languages of codes into the following categories: non-legalistic (NL), non-legalistic with occasional legal terms (NLL), legalistic and non-legalistic terms (LNL), and legalistic terms (L). The researcher concluded that 75% of the documents analyzed were classified as NLL; 20% were classified as NL; and 5% as LNL.

Ultimately, the findings of this study encouraged judicial administrators to do the following: tie the purpose of conduct offices to the educational mission of the university; include in the code of conduct the difference between the student conduct process and the court system; and to replace legal terms as much as possible. Also, this study urges judicial administration to “fine-tune” student codes of conduct when opportunities arise for code revisions (Martin & Janosik, 2004).

Fitch Jr. and Murry Jr. (2001) also investigated language and legalistic terms in conduct codes. They found that forty-seven (47) institutions did not wholly use legalistic terms in their codes, and they did not submit that legal terms were altogether dismissed from their codes. Their survey revealed that there were instances where formal conduct systems responded much like that of informal conduct systems. For example, some formal systems would identify students as “the accused” rather than “the defendant.”

This study also revealed that 67% of institutions reported their conduct systems used fines (often prevalent in formal systems) in the sanctioning process, but only in cases of restitution for damages. Interestingly, nearly half of these institutions classified their systems as formal systems. Furthermore, informal systems reported no use of
faculty as prosecutors, while two informal systems reported that students were utilized as prosecutors. Formal systems, as well as mixed systems, also used subpoenas for alleged students and witnesses. The researchers noted that the only case in which informal systems acted similarly to formal systems is in the consideration of inviting actual legal counsel to participate in a hearing. As for characteristics of judicial systems, their data revealed little differences in classifications regarding “burden of proof.” Furthermore, the attire of judicial board members across all types were casual except for one formal system who permits judicial officers to wear robes (Fitch Jr. & Murry Jr., 2001).

The researchers cited several scholars (Footer, 1996; Stoner, 1998; Zacker, 1996) who assert that conduct systems with less legalistic terminology and those that focus on the development of college students as opposed to mirroring the criminal justice system, will be more effective in the work of judicial affairs, but their study claims otherwise—the formal system is not statistically less effective than informal or mixed systems. This study posits this notion of any conduct system: “with the right balance of legal terminology, processes, and characteristics with student development philosophy, it is more likely to be effective in handling student disciplinary matters” (Fitch Jr. & Murray Jr., 2001, p. 199). The concern, however, is that institutions should understand the need to have data that support a conduct system’s effectiveness. Only by providing such data, can a conduct system validate its effectiveness in its procedures and practices (Fitch Jr. & Murry Jr., 2001).

Judicial administrators must strive to provide data that highlights the number of cases from year to year, effectiveness of training, sanction efficacy, and recidivism rates, as well as data that evaluate the perceptions of those who are engaged in the student
conduct process and whether or not the system is, in fact, viewed as fair and impartial (Fitch Jr. & Murry Jr., 2001). The next section of this literature review explains the importance of procedural fairness and students’ perceived value in student conduct practices.

Procedural Fairness and Values in Conduct Systems

Conduct systems serve their purposes well when grounded in procedural fairness. There is some research on how students view conduct systems and their perceived values by participating in the student conduct process. For example, Mullane (1999) performed a study that examined the relationship between the perceptions of college students toward fairness, educational value, and moral development in the student disciplinary process. Mullane’s (1999) instrument provided information in four categories: disciplinary circumstances, value of sanctions, educational value and fairness, and demographic data.

Educational value and fairness were measured on a Likert-type scale with no option for participants to be neutral. By studying undergraduate students with minor infractions, Mullane (1999) found positive results which revealed the following: most students were informed of their student rights; policies and procedures were successfully followed by conduct offices; and students reported the overall disciplinary process as fair and sensed educational value was gained from their participation.

Likewise, King (2012) performed a study with the purpose of assessing students’ perceptions of fairness and educational value gained throughout the disciplinary process. The various disciplinary circumstances (i.e., offenses) and demographics of students were taken into account in this study. Participants responded to questions on the influence, perceived educational value, and perceived fairness of the conduct process. King (2012)
found that of the 82% of participants who met with a conduct hearing officer, approximately 17% reported the experience as very valuable while 45% reported the experience as not valuable at all.

In regard to participants who completed sanctions, King (2012) posited that those who were found not responsible reported higher scores of fairness of the conduct process than those who had either already completed sanctions or those who had not started completing sanctions; however, students who were in the process of completing sanctions reported higher scores of fairness than students who had already completed sanctions. Comparable results were reported regarding hearing attendance, which revealed that the more recent a student had participated in a conduct hearing, the more educational and fairer the student felt the conduct process to be.

As for educational value and fairness, extreme responses highlighted both positive and negative perceptions. The results indicated that participants saw little to no educational value in the conduct process but viewed the process as fair. King (2012) also conducted post hoc comparisons which revealed higher scores for educational value for students who were referred to the conduct office for academic misconduct than those referred for nonacademic misconduct (i.e., alcohol, drugs, noise, etc.). Contrariwise, students who were referred for other violations related to safety, wellness, and residential life infractions, reported lower scores concerning educational value and fairness than students referred for charges of alcohol (King, 2012).

*Moral Development as a Value in Conduct Systems*

Educational value and fairness of conduct systems are also determined by students’ levels of moral development. Mullane’s (1999) study found that students who
rank below average in moral development are most likely to perceive the conduct process as non-educational even if they perceive the process to be fair. Conversely, the higher students rank in moral development, the likelier they are to perceive the conduct system as educationally valuable, independent of individual views of fairness. Mullane (1999) asserts that this finding only bolsters the argument that moral training and development should be of chief importance if college student discipline is to be educational in scope and mission. Furthermore, it is certainly not out of the realm of possibility to infer that college students who participate in the conduct process possess a lower level of moral development and are also less likely to display a change of behavior resulting in improved actions. Mullane (1999) concludes that moral training and development is vital to the work of judicial affairs particularly as conduct officers seek to correct impish behaviors and reduce recidivism on college campuses.

Cooper and Schwartz (2007) also investigated moral judgement among two groups of college students—students who participated in the conduct process and students who had never participated in the conduct process. The variables studied among student violators and non-violators were levels of moral judgement, violation type, and demographic information (e.g., age, gender, Greek affiliation, grade point averages, and student classification). The researchers used twelve charge categories identified within the university code of conduct policy—sexual misconduct, endangerment of self or others, harassment, hazing, weapons, fire and safety, illegal drugs, alcohol, disruption, identification, property, and computer violations—to investigate differences in moral judgement.
Ultimately, the study revealed that student violators scored at lower levels of moral judgement than non-violators. That is to say, students who were referred to the conduct process reasoned at a much lower level of moral judgement than students who were not referred, suggesting that conduct officers would serve well to identify campus activities aimed at aiding students in understanding their ultimate responsibility as members within the campus community (Cooper & Schwartz, 2007).

*Enriched Conduct Systems and Campus Environments*

Finally, when considering students’ perceived fairness in the conduct process, Janosik and Stimpson (2017) examined the roles conduct systems and campus environments play in the student conduct process. They defined conduct system environment as procedures or processes that are followed from the time of the student hearing to the issuing of sanctions. These procedures typically include notifying students of charge(s), thoroughly explaining the conduct process, offering due process or a chance for the student to be heard, respectfully treating alleged students, ensuring and providing a fair process, and timely adjudicating matters of the conduct process (Janosik & Stimpson, 2017). Campus environments, on the other hand, are the more “broad influencers on student behavior that are evident in either formal, informal, and ad hoc learning opportunities which include mission and policy statements, governance structures, and a variety of contextual factors among other things” (Janosik & Stimpson, 2017, p. 30).

When investigating the relationship between conduct system environments, campus environments, and student learning, Janosik and Stimpson (2017) found that a significant relationship exists between students’ perceptions of fundamental fairness (i.e.,
the conduct system environment) and reported student learning. When students perceive the campus conduct environment to be fair and conduct cases are handled in a timely and reliable manner, student learning is most likely to occur. Furthermore, institutional culture plays a critical role in students’ perceptions of the conduct environment—when students believe the institution operates at an extraordinarily high level of ethics, fairness, and respect for students, the likelier students are to attribute greater degrees of learning as a result of participating in the student conduct process (Janosik & Stimpson, 2017).

However, all college students do not view conduct system and campus environments the same, a point emphasized by Polomsky and Blackhurst’s (2000) study that examined two student groups (i.e., disciplinary and non-disciplinary) in six college experiences—“involvement with faculty, courses, the student union, clubs and organizations, personal acquaintances, and student acquaintances” (p. 41). Polomsky and Blackhurst (2000) also examined students’ perceptions of the college environment; students’ view of college; and students’ approximations of the advantages of experiencing college.

While disciplinary and non-disciplinary students scored similarly in the areas of need for social support and sense of belongingness on campus, the two groups were significantly different in regard to their perceptions of the college environment. Disciplinary students scored significantly lower than non-disciplinary students based on how strongly they felt about certain values like “the development of academic, scholarly, and intellectual qualities; being critical, evaluative, and analytical; relationships with students, student groups and activities; and relationships with faculty members or administrative personnel offices” (Polomsky & Blackhurst, 2000, p. 45). While all of
these areas may be critical to institutional culture, ultimately, how students view these
areas are based on individual preferences. Furthermore, disciplinary students found the
college environment to be more hostile rather than intellectual, which is attributed to their
involvement with judicial administrators and the conduct process whereas non-
disciplinary students shared a different experience due to their noninvolvement in the
conduct process (Polomsky & Blackhurst, 2000).

Overall, Janosik and Stimpson’s (2017) study shows that students believe they are
treated fairly; issues are resolved timely; and students indeed learn as a result of
experiencing the conduct process, but outcomes such as these are most noticeable in
conduct systems that are layered in intentionality and impartiality. The extent to which
students are treated fairly throughout the conduct process and how they perceive the
conduct environment, will ensure the highest likelihood for student learning to occur in
the conduct process (Stimpson & Janosik, 2015). As Healy & Liddell (1998) concur
judicial administrators have long established standards not only to promote institutional
missions and campus safety, but also to assist students in learning, especially in the key
areas of accountability, responsibility, and respect for others within the campus
community. These efforts contribute significantly to student discipline which, as Evans
(1987) asserts, fulfills the obligation to moral and ethical development of college
students.

Other studies investigate student learning as an outcome from participating in the
conduct process. One study (Howell, 2005) sought to better understand the relationship
between student interactions and the campus conduct system by examining the following:
thoughts and feelings toward student participation; viewpoints regarding learning
outcomes; thoughts concerning the effects of the conduct system; students’ perceptions of
thoughts gleaned from navigating the conduct process; and whether or not students had
foreseen any change in their future behaviors. Howell’s (2005) qualitative approach
assessed an informal student disciplinary process—a process where the conduct matter
was resolved between the student and conduct officer as opposed to adjudication by a
conduct hearing board.

The researcher identified four key areas of student learning attained from
participating in the conduct system: consideration of consequences, empathy, familiarity
with judicial procedures, and no perceived learning (Howell, 2005). Germane to the
findings regarding future behavior, the researcher identified two subcategories:
discontinue the behavior or maintain their behavior (e.g., the use of alcohol). According
to Howell (2005), most students discontinued their behavior, especially in the case of
driving while under the influence of alcohol; however, there were other students who
reported a willingness to only change the behavior that led to appearing before a conduct
officer, while electing not to give up drinking alcohol altogether. This remained true even
if students were under the legal drinking age—one participant reported to never again
use alcohol in residence halls but would definitely continue the practice of drinking
alcohol (Howell, 2005).

As described above, students may not always fully comprehend or appreciate the
purpose of conduct systems and oftentimes overlook learning opportunities the process
provides; thus, judicial administrators should be committed to strategically asking
questions and assisting students throughout the conduct process experience. As a result,
students are able to recognize the severity of their choices that initially led them to the
conduct process; a process that Howell (2005) posits as one that “ultimately, leads to one of the most important outcomes of judicial affairs: preparing a morally and ethically engaged citizenry” (Howell, 2005, p. 391). Ultimately, this study confirms that conduct systems with such restorative justice practices yield greater impact on student learning. Some studies, such as King’s (2012), report the more students are engaged with the conduct process, the less educational value there is to be gained. Furthermore, there is a significant difference regarding fairness between student violators who experienced the conduct process at least once (or not at all) and those who had experienced the conduct process three times or more (with the latter reporting the process as less fair) (King, 2012).

However, there are other studies, namely Karp and Sacks (2014), that concur the second highest level of student learning in conduct processes are from restorative-oriented administrative hearings. Such hearings that do not include harmed parties, but determine sanctions fashioned through the lens of restorative justice are beneficial to college students. Studies such as Karp and Sacks’ (2014) bolster Howell’s (2005) stance and tell how students seem to benefit from personalized, restorative justice type approaches, thus solidifying the conduct process as educational contingent upon the situation surrounding each case.

*Restorative Justice Applied in Student Conduct Systems*

According to Karp and Conrad (2006), restorative justice is a method in which victims are encouraged to have a dialogue with offenders. From this interaction, restorative justice provides opportunities for both parties to generate a plan of action to move forward; for the student violator to accept responsibility and accountability for
one’s actions; and for the harmed party to have their individual needs attended to. This process allows for due process and a favorable consensus concerning what is acceptable and not acceptable within the campus community. The authors highlight three important principles—apology, restitution, and community service—that play a central role in the application of restorative justice in the student conduct process (Karp & Conrad, 2006).

An apology, the first step in restorative justice, allows for student offenders to state clearly the remorse for their behavior. This will then call for harmed parties to take first steps towards forgiving the actions of student violators. Karp and Conrad (2006) share the following guidelines for an apology: “(a) an acknowledgement of responsibility, (b) a delineation of how the behavior was harmful, (c) an expression of remorse, and (d) a commitment to making amends and socially responsible behavior in the future” (p. 319).

Restitution is the second step in restorative justice and should be clearly distinct from paying fines. Fines are used to serve as punishment and also become a means of revenue, whereas restitution takes into account actually repairing lost or damaged property. “The amount of a fine is determined by the deterrent need; is independent of the particular offense; and is determined by the extent of harm” (p. 319). Restitution, on the other hand, seeks to address the harm that was done. This acknowledgement leads to offenders learning that certain behavior is morally unacceptable in the campus community (Karp & Conrad 2006).

Community service, the last step, is a central component in restorative justice practices. While community service plays an integral role in student conduct, the practice may not always be restorative in nature. In fact, most judicial administrators use community service in place of something else resulting in the practice becoming a
substitution and, in many cases, a secondary resolution to other sanctions. Like the
distinctiveness between fines and restitution, community service and punitive service
should, too, be distinctly defined (Karp & Conrad, 2006).

Restorative justice, while not meant to replace other conduct system practices
altogether, calls for student violators to accept responsibility for offenses, repair harm to
affected parties and communities, and work towards minimalizing chances for re-offense.
Conduct systems infused with restorative justice principles increase learning outcomes
for students while also providing opportunities to make amends within the university
community (Karp & Conrad, 2006).

*Student Judicial Board Membership*

While students who participate in the conduct process will benefit from conduct
hearing boards, students who volunteer their time to participate are benefited as well. As
Benjamin and Boettcher (2017) posit, “while the intent of the conduct board may be for
board members to help their peers understand policies and communicate standards for the
greater good, those students on the board themselves have an opportunity to benefit from
the experience” (p. 59). Some of those benefits include improved leadership and
decision-making skills; enhanced ability to share opinions in a group; and heightened
recognition in how to determine fairness and good judgement on college campuses.
(Caruso, 1987; Cordner & Brooks, 1987).

There are several research studies highlighting learning outcomes of conduct
board participation and key characteristics of conduct board members (Caruso, 1987;
Caruso & Travelstead, 1987; Dannells, 1997; Pavela, 2002; Travelstead, 1987; and
Zdziarski & Wood, 2008). According to Shook (2013), students’ participation in conduct
boards became increasingly prevalent in the 1960s. Travelstead (1987) concluded that hearing boards are best used to educate peers concerning campus policies and to inform students of the standards for behavior within the university community. After all, messages pertaining to appropriate student behavior on college campuses are better received when coming from peers within the campus environment (Zdziarski & Wood, 2008).

Research specifically points to board participation as a learning outcome for students. In their study, Benjamin and Boettcher (2017) identified four key findings concerning areas of student learning: communication and relationships; awareness of own behaviors and behavior modification; critical thinking skills; and community impact. First, the area of communication and relationships emerged from participants’ expression of a great need to form relationships between residents and Resident Assistants (RAs). The board members believed that this relationship is important and will offer the best chance of success for residential community members. Also, the students learned that the judicial process is, in fact, educational and their language concerning the process reflected that belief. For example, students would use words like “sanctions” and “learning exercises” as opposed to more popular legalistic terminology. The researchers note that none of the board members referred to sanctions as punitive which suggests that the board members had been educated effectively and have established a conduct system on a strong foundation to be educative rather than punitive (Benjamin & Boettcher, 2017). Second, students who served on the hearing board reported knowing conduct policies was a direct result in their service as board members as opposed to having received policy information via pre-training experiences or from formal settings like
residence hall floor meetings. Third, critical thinking skills were enhanced as a result of hearing board participation. Students reported that they learned how best to decipher what was important and relevant in a case that was presented and what was irrelevant in determining an appropriate outcome. Furthermore, while many students would come before the hearing board and accept responsibility for their actions, there were times when a student’s story differed from case reports filed by the RA. Lastly, board participation helped students to realize the impact their actions have on the university community, thus fully understanding the rationale behind the policies.

Ultimately, Benjamin and Boettcher (2017) concluded that “personal and community learning, application and reflection, and an opportunity for more intentional reflective practice for board members” can occur (p. 64). The researchers further assert that student learning happens best when students are actively involved in the process. In other words, being involved at the level of adjudicating cases helps students to understand that their actions have consequences even toward the campus community; to learn how to safeguard community values; and to modify their own behaviors moving forward. Furthermore, intentional focus, or the consideration of the skills and the knowledge of university policies, should be chief priority of judicial administrators and exercised in continual training and debriefings after conduct cases. As for reflection, board members transferred the ability to learn policies to other areas of their lives outside of board membership (Benjamin & Boettcher, 2017).

Because the conduct process serves as a means for student learning and development, goals pertaining to learning outcomes should be clearly defined and identifiable within the student conduct system (Karp & Sacks, 2014). While some
literature has highlighted learning goals for traditional college students (i.e., ages 18-24), literature underscoring learning outcomes relative to the student conduct process has neither been explicitly addressed or determined; thus, Karp and Sacks’ (2014) study examined six different areas of student development within the conduct process: just community/self-authorship, active accountability, interpersonal competence, social ties to the institution, procedural fairness, and closure. Also, hearing processes and violations types (including the seriousness of the violation) served as independent variables in the study.

Discovering that students had positive learning gains in all six dimensions of student development as a result of participating in the student conduct process proved that student learning does occur; however, learning occurs most in conduct systems that implement restorative justice principles. Such success is attributed to the involvement of harmed parties incorporated in the decision-making process especially in the administering of sanctions (Karp & Sacks, 2014).

Sanctioning and the Student Conduct Process

Another area of focus in the literature is related to sanctions and how sanctions best impact student learning. According to King (2012), more students find no value in sanctions than students who do find value in sanctions; however, there are three specific sanctions regarded as positive among students who have been sanctioned: an in-person alcohol class (63%); a counseling session (55%); and an opportunity to engage in community service (54%) (King, 2012).

Regarding the second highest finding, counseling session, Consolvo and Dannells (2000) agree that disciplinary counseling is an effective outcome for students who find
themselves navigating the student conduct process. Because sanctions should promote learning and foster college student development, the opportunity to engage in disciplinary counseling would be helpful for countless college students today. After all, this practice addresses not only the crux of behavioral issues that are often recognizable among college students, but also many of the underlying issues that are frequently hidden and too often overlooked as well. However, they argue that collaboration between judicial administrators and counseling center directors is necessary to effectively execute such a practice.

Kompalla and McCarthy (2001) also examined sanctions, and specifically the effect of active and passive sanctions relative to college student recidivism and retention. They hypothesized that recidivism rates for students who received active sanctions would be lower than students who were assigned passive sanctions, and retention rates for students who received active sanctions will be higher than students who received passive sanctions. Kompalla and McCarthy (2001) used four categories to organize student records: students sanctioned to the Alternative Education Sanction (AES) program; students who received community service as a sanction; students who received writing a reflection or educational paper; and a random sample of students who received warnings, probation, or delayed suspension.

The results of the study revealed that the recidivism rate for students who received active sanctions was equal to those who received passive sanctions. Furthermore, the retention rate for students who received active sanctions was not higher than students who received passive sanctions. To summarize these results in relation to the AES program, which takes more of a passive sanctioning approach, the researchers
discovered that the program is proven to be less effective than what was initially expected; however, the program was about five years old at the time of this study and was undergoing continual assessments and revisions. Ultimately, the researchers of this study conveyed the importance sanctioning serves in the student conduct process as well as college student development and the use of college student development theories while creating sanctions. If and when sanctions are executed effectively, conduct officers can increase sanction efficacy while providing positive learning outcomes that may decrease recidivism and increase retention in relation to the student conduct process (Kompalla & McCarthy, 2001).

Lastly, Bostic and Gonzalez (1999) also performed a study that examined “the perceptions, opinions, and levels of knowledge of judicial officers regarding student rights and judicial systems in public higher education” (p. 166). The questionnaire, titled The Judicial Officers Survey, was comprised of 70 items in the form of essays, multiple choice questions, and Likert Scale responses. Participants were asked to provide their opinions regarding the rights of students, disciplinary sanctions, conduct system processes, and any information concerning actual cases adjudicated by participants. Further, the respondents were asked to offer recommendations for the future practice of student conduct in higher education.

Regarding sanctions, Bostic and Gonzalez (1999) determined that judicial administrators are in agreement in administering the most common sanctions in conduct processes (e.g., oral warnings, written reprimands, disciplinary probation, suspension (or temporary dismissal), and expulsion (or permanent dismissal). They also concluded that a strong consensus of the aforementioned sanctions affirms the progressive decline of
punitive sanctions (e.g., fines), which are no longer regarded as an influencer to college student development. Ultimately, this study revealed that judicial officers agree on the following assertions: students definitely received due process; student conduct is not too conservative in practice; students are informed of conduct procedures and students’ rights; and institutions have sanctions that cover a broad range for students. The researchers also found that judicial administrators do not believe many changes are needed to the current conduct system. To the response item, “changes are needed in judicial programs,” it appears as though there are mixed feelings about this assertion. The researchers noted, “This middle-of-the-road response seems to indicate that judicial officers are satisfied with the current conditions in the judicial system in American public higher education” (p. 172). This would include the process by which sanctions are created, administered, and highlighted in student codes of conduct.

Recommendations to Administrators: A Call for Enhanced Training

King’s (2012) findings will help student conduct administrators understand how to more effectively assign sanctions as it is the overwhelming sense of some students that the sanctioning process has little to no educational value. This outcome prompts an urgency for judicial administrators to evaluate the perceptions of students after the completion of assigned sanctions. Also, students tend to value sanctions that are centered around counseling and community service, an ideology King (2012) refers to as disciplinary counseling. A strong liking to this type of sanctioning indicates that students are oftentimes compelled to attend counseling sessions, or at the very least, consider counseling to be of great benefit. Community service seems to also bolster research
centered around recidivism when compared to other sanctions that requires actions of students.

While Howell (2005) expressed some limitations in his study, he did present several recommendations for current and future judicial administrators. First, the study affirms that conduct officers should feel assured that some type of learning exists in the conduct process and the behaviors of students are likely to change in most cases. Whether learning is a result of moral thinking or simply better understanding the expectations and guidelines set forth by institutions, either outcome is positive and should be regarded as such not just for the conduct office and alleged students, but also for the university community as a whole— it is an incredible learning opportunity indeed.

Second, the study affirms that conduct officers should work with a critical eye towards sanction efficacy. Howell (2005) concludes that sanctions should not only be developed to address the behavioral issue(s) in question at the time, but also behavioral and developmental issues surrounding student behavior in general. Admittedly, most of the students expressed a desire to change the behavior (e.g., driving under the influence of alcohol) but not the practice of drinking alcohol. Howell (2005) asserts that conduct officers must always look to the underlying issues and to also commit to addressing those concerns.

Third, conduct officers should be mindful that students choosing an informal hearing may not necessarily mean a rejection of ownership and responsibility of one’s actions. Howell (2005) revealed that students chose this path to expedite the conduct process. Because the conduct process aims to aid students in learning morally and accepting responsibility for their behavior (Emmanuel & Miser, 1987), conduct officers
must carefully and strategically plan what those interactions and conduct meetings with students will look like as students find themselves involved in the conduct process. Advice to conduct officers is that they should: “carefully and fully explain both the current and future implications of such a decision, and question students about their specific reasons for accepting responsibility” (Howell, 2005, p. 390).

Ultimately, Howell’s (2005) study affirmed that empathy and perspective taking is achievable for college students via the campus conduct process. Also, conduct officers should take solace in the following: learning actually occurs in the conduct process and some students do modify past behaviors as a result of having experienced the campus conduct process. This is a remarkable finding for conduct officers who aspire to educate students and assist in redirecting students’ thoughts toward previous and future behavior.

Janosik and Stimpson (2017) also provided guidance to conduct officers. The researchers believe conduct officers and judicial administrators would do well to foster student learning by exerting time, effort, and resources toward creating effective campus conduct environments. “When students perceive the campus environment as being honest, moral, and forthright, the cues they receive from the environment indicate they should be learning from their interactions with the conduct system” (p. 40). This study further calls for conduct officers to pay close attention to the perceptions of the environment, even though it is sometimes difficult due to lack of influence.

Benjamin and Boettcher’s (2017) study examined what judicial board members learned having served in the capacity as a hearing panel member. By chronicling the experiences of each board member, they were able to make meanings of what each participant made of their membership to the board. Board members were asked nine
questions and a few of the examples included: “How do you balance the impact on the community with issues of personal responsibility?”; What have you learned so far that has changed or reinforced your understanding of why the policies are in place?”; “Has your own behavior changed in any way as a result of your experience on the conduct board?”, etc. The researchers strongly believe that at the very minimum, learning outcomes emerged from this study will serve well the judicial administrators who implement them in students’ training experiences and advisor meetings. Simply asking board members what they have learned will foster an environment that is shaped around the judicial process being educative, a process that students and staff will benefit from (Benjamin & Boettcher, 2017).

The Importance of a Structured Student Conduct Program

According to Fitch Jr. and Murry Jr. (2001), conduct systems should undergo scrutiny and be expected to provide data, upon request, to support the work that is being carried out in conduct offices. The greatest concern of their study is that 31% of conduct administrators did not return responses to the information concerning repeat student violators. Judicial administrators could not provide such data because of the failure to record and report the data on their respective campuses. In other words, there are a shocking number of conduct systems across the nation that have no evaluation system in place to provide data regarding conduct system effectiveness to their university communities and other stakeholders. The researchers explain, “It is extremely difficult for a judicial affairs office to state its effectiveness in adjudicating student discipline matters when it has no evidence to substantiate this claim” (p. 199).
In their study, Bostic and Gonzalez (1999), argue that conduct officers should be required to take at least two courses in higher education law, participate in conferences/workshops, and take advantage of staff professional development. Suggestions for more developmental discipline also include judicial officers taking a more educational approach than punitive, while also providing more opportunities to administer educational sanctions. As for increased training and development in student conduct, the researchers stated, “adhere to the need for formal training for judicial affairs officers as well as annual updates, seminars, and required attendance at conferences” (Bostic & Gonzalez, 1999, p. 180-181).

Summary

The literature suggests that a well-structured conduct system must be predicated on providing learning outcomes and moral development to students who participate in the student conduct process. To achieve such a goal, conduct systems must provide fair procedures, effective sanctions, and produce data supporting conduct system effectiveness, to name a few. Effectively training conduct hearing officers can help accomplish the aforementioned goals. The next chapter discusses the researcher’s methodology that guided this research study.
CHAPTER III - METHODOLOGY

Introduction

This study employed a quantitative method. Survey data were retrieved from a group of fourteen (14) conduct officers who participated in conduct officer training at The University of Southern Mississippi in the past three years. These data were analyzed in order to gauge self-reported retrospective knowledge levels of conduct officers before and after training. Additionally, conduct officers’ perceptions of important components of the conduct process at USM were also analyzed. These data will contribute to the enhancement of conduct officer training at the University. The following sections examine the research questions, research design, instrumentation, timeline, participants, and data collection procedures and analysis.

Research Questions

A quantitative web-based survey design was disseminated to obtain and assess conduct officer training at The University of Southern Mississippi using the following research questions.

1. How well do training sessions prepare conduct officers at The University of Southern Mississippi when evaluated in 25 areas in the use of adjudication/appeals boards by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP). Identify self-reported retrospective knowledge levels of conduct officers before and after training.
2. What components of the conduct process are perceived as important to conduct officers at The University of Southern Mississippi? Identify important components of the conduct process for conduct officers.

3. What actions(s) should judicial administrators take to enhance conduct officer training at The University of Southern Mississippi? Determine strategies to advance conduct officer training.

Research Design

The research design employed for this study is action research and quantitative in nature. Merriam and Tisdell (2016) define action research as a process that is not only seeking to understand how participants make meaning or interpret a particular phenomenon or problem in the workplace, community, or practice, but it also usually seeks to engage participants at some level in the process in order to solve a practical problem. (p. 49)

While Herr and Anderson (2015) identify various types of action research—teacher research, collaborative action research, cooperative inquiry, appreciative inquiry, critical action research, feminist action research, and participatory action research—this researcher has chosen practical action research as the principal framework for this study. Practical research is most appropriate as this type of action research is “guided by an interest in educating or enlightening practitioners so they can act more wisely and prudently” (Kemmis, McTaggert, & Nixon, 2014 p. 14).

Keeping in mind the stance of Merriam and Tisdell (2016) in that action research is done with participants as opposed to on participants, the researcher fully understands the importance of collaboration with participants of this study and to recognize them as
co-researchers and co-investigators throughout action research methodology; thus, the researcher relied heavily on basic survey design as a means to collect data from conduct officers.

As a student in the School of Education at USM, the researcher was granted access to a web-based survey platform termed Qualtrics to create a questionnaire. The researcher determined that a questionnaire would be most appropriate for this study as the advantages for administering such a research design, as outlined by Gillham (2008), include the following: little to no cost in time and money for the researcher; information can be disseminated to participants rather quickly; participants can complete the questionnaire at their convenience; participant anonymity; little to no pressure for an immediate response from the participants; the ability to mitigate potential; and the potential to provide suggestive data for the researcher to test an hypothesis is promising.

The questionnaire used in this study (see Appendix C) was comprised of Likert scale questions to determine two measurements: one, self-reported retrospective knowledge levels of conduct officers before and after training; two, conduct officers’ perceptions of important components of the conduct process. Additionally, the questionnaire included four open-ended questions that were used in an effort to hear directly from conduct officers who experienced conduct officer training at The University of Southern Mississippi and to accomplish “a greater level of discovery” (Gillham, 2008 p. 5).

Instrumentation

The researcher designed the survey instrument (see Appendix C), which was unique to conduct officers at USM with the objective of measuring self-reported
retrospective knowledge levels (before and after training) in 25 areas in adjudication/appeals boards as outlined by CAS (see Appendix H); identifying conduct officers’ perceptions of important components of the conduct process; and identifying conduct officers’ strategies and suggestions to enhance conduct officer training at The University of Southern Mississippi.

The first portion of the survey instrument included participant demographic information such as gender, race, age, and educational background. University status (i.e., undergraduate student, graduate student, staff, or faculty); conduct officer status (i.e., first-year, second-year, third-year, or former hearing officer); amount of training received in the most recent academic year of conduct officer participation; and number of cases adjudicated as a conduct officer were also collected. The second portion of the survey assessed retrospective knowledge levels in 25 areas in adjudication/appeals boards as outlined by CAS (see Appendix H). The third portion of the survey examined perceived important components of the conduct process by conduct officers, and the final portion of the survey comprised of four open-ended questions.

Timeline

The researcher submitted this study to the Institutional Review Board (IRB) on September 27, 2018, and IRB approval was received on November 13, 2018 (see Appendix D). The survey was distributed on February 1, 2019 and closed on March 26, 2019. Data analysis began on March 27, 2019.

Participants

For the purposes of this study, the researcher obtained a comprehensive list of 56 panel members from the associate dean of students for student conduct. Approximately
ten (10) of those members included on the list were removed as they were no longer affiliated with the University.

Data Collection Procedures and Analysis

An email explaining the purpose of this study was sent to conduct officers (see Appendix A). Follow-up emails with the same content as the original email were sent a total of three times with two weeks separating each outreach. The survey was made accessible to each participant using a link to the online survey software, Qualtrics. Participants of this study was first directed to text that outlined the study’s purpose, description, benefits, and risks. Following this pertinent information, participants were asked to give consent to participate in this research study. After agreeing to consent (see Appendix B) to the study, a total of 14 participants began the survey and submitted demographic information; 14 participants completed the survey.

Data analysis was performed with crosstab analysis, descriptive analysis, and frequency analysis with the objective to cross-tabulate two categorical variables to look at trends and patterns to summarize results, report means, and report frequency of participants’ responses.

Assumptions and Limitations

Having implemented a survey research design questioning faculty, staff, and students who have served or currently serve as conduct officers at The University of Southern Mississippi, the researcher is aware of the following assumptions: honesty or willingness to share on the behalf of current university conduct officers; current self-reported retrospective knowledge levels pertaining to experience in judicial processes of conduct officers; and current hearing officers’ overall interest to participate in this study.
Likewise, the researcher acknowledges the following limitations: sample size of participants; the response rate of participants (or participant buy-in); unknown conditions that may affect participants and their capability to actively participate; the length of the study; and the fact that conduct officers were asked to report knowledge levels before and after training retrospectively. Because training is only administered annually, only one survey was feasible, thus limiting participants to share knowledge levels before training (pre-test) and after training (post-test).

Furthermore, administering a questionnaire yields more limitations addressed by Gillham (2008), such as issues motivating participants; a need for brevity and more simplistic questions; lesser control in the order to which participants answer questions; and misunderstandings can never be corrected, to name a few.

Finally, having served for two academic years as chair of the University’s conduct hearing panel and previously as an advocate for students alleged to have violated conduct policy, the researcher understands that the analysis of conduct hearing policies and practices may appear biased.
CHAPTER IV – FINDINGS AND DISCUSSION

This study determined how well conduct officers believe they are trained at USM; what components of the USM conduct process are important to conduct officers; and how judicial administrators can enhance conduct officer training to advance the work of judicial affairs at The University of Southern Mississippi. The following chapter provides a summary of the data collected and presents the results of analysis while addressing the three primary research questions that guided this study.

Presentation of Data

The researcher obtained a list of conduct officers from the associate dean of students for student conduct. The list included 56 conduct officers. Of the conduct officers contacted, 14 consented, began the study, and completed the survey, which represents a 25% return rate. Out of the 14 participants, ten were female and four were male. The participants ranged from former conduct hearing officers to second-year conduct hearing officers.

The survey collected participants’ demographic information related to age (see Table 4.1), race (see Figure 4.1), and education level (see Table 4.2). Fifty percent (n=7) of the participants were between the ages of 30-39. 50% (n=7) were Caucasian and 43% (n=6) of the participants identified as African American. One participant identified as multiethnic. The majority of the participants, 64.3% (n=9), earned graduate degrees, while 28.6% (n=4) earned a high school degree or equivalent likely indicating current status as undergraduate students. One participant earned a bachelor’s degree likely indicating the participant is a graduate student.
### Table 4.1 Age of Conduct Officers

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-20</td>
<td>1</td>
<td>7.1</td>
<td>7.1</td>
<td>7.1</td>
</tr>
<tr>
<td>21-29</td>
<td>5</td>
<td>35.7</td>
<td>35.7</td>
<td>42.9</td>
</tr>
<tr>
<td>30-39</td>
<td>7</td>
<td>50.0</td>
<td>50.0</td>
<td>92.9</td>
</tr>
<tr>
<td>40-49</td>
<td>1</td>
<td>7.1</td>
<td>7.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

![Figure 4.1 Representation of Race](image)

**Figure 4.1 Representation of Race**
Panel member status was also obtained (see Table 4.3). The survey results revealed that participants of this study did not overwhelmingly represent one particular group, rather each group (i.e., faculty, staff, graduate student, and undergraduate student) closely resembled the others with three or four participants representing each panel member status category.

Table 4.3 Panel Member Status

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>a faculty member</td>
<td>3</td>
<td>21.4</td>
<td>21.4</td>
<td>21.4</td>
</tr>
<tr>
<td>a graduate student</td>
<td>3</td>
<td>21.4</td>
<td>21.4</td>
<td>42.9</td>
</tr>
<tr>
<td>a staff member</td>
<td>4</td>
<td>28.6</td>
<td>28.6</td>
<td>71.4</td>
</tr>
<tr>
<td>an undergraduate student</td>
<td>4</td>
<td>28.6</td>
<td>28.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Regarding experience as a conduct officer at USM (see Figure 4.2), the majority of participants reported that they were either serving in their first year as conduct officers or have returned as a second-year conduct officer. The second-year hearing officer likely indicates having one year of conduct officer experience contingent upon the conduct officer actually participating in a conduct case. One participant (7.1%) identified as a third-year hearing officer and 21.4% (n=3) of participants reported as former hearing officers.

![Figure 4.2 Years of Student Conduct Officer Experience](image)

**Figure 4.2 Years of Student Conduct Officer Experience**

Relative to experience is the number of cases adjudicated by conduct officers (see Figure 4.3). When asked about the number of cases adjudicated, the majority of participants, 86% (n=12), reported having adjudicated 1-2 conduct cases, while 14% (n=2) reported having adjudicated 3-5 conduct cases.
Figure 4.3 Number of Cases Adjudicated

When asked to rate knowledge levels in 25 areas in adjudication/appeals boards as outlined by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP), all participants reported a lower overall retrospective knowledge mean level (3.08) after training than before training (3.25) as characterized in Figure 4.4.
Figure 4.4 Retrospective Knowledge Before and After Training

When comparing overall retrospective mean levels by groups, faculty/staff together with students reported lower mean levels after training than before training. This finding suggests that no one particular group of conduct officers was any more knowledgeable than the other after training (see Figure 4.5).

Figure 4.5 Retrospective Knowledge by Group

Regarding retrospective knowledge mean levels by experience, conduct officers who were serving in their first and third years reported lower mean levels after training, while second-year hearing officers reported the same in knowledge mean levels after training. This finding suggests that first year hearing officers were perhaps not as knowledgeable (see Figure 4.6) as before because of their lack of experience; the third-year hearing officer has not benefited much from training despite their advanced experience; and second year hearing officers have remained the same possibly due to their most recent experience. Former hearing officers was the one group that reported a higher overall retrospective knowledge mean level after training (3.00) than before
training (2.50). This finding suggests that conduct officers who have since been removed from serving retrospectively believed they were more knowledgeable after training than before.

![Bar chart showing mean knowledge levels before and after training for different levels of experience.](chart.png)

**Figure 4.6 Retrospective Knowledge by Experience**

Participants also reported overall retrospective knowledge mean levels by the number of cases adjudicated. Survey results revealed that conduct officers who adjudicated 1-2 cases reported lower retrospective knowledge mean levels after training (3.00) than before (3.27) (see Figure 4.7); however, those who adjudicated 3-5 cases reported higher retrospective knowledge mean levels after training (4.00) than before training (3.00). This particular finding suggests that an increase in knowledge after training can be attributed to the increased opportunities to serve and become familiar with the student conduct process at USM, even after receiving one-time training.
While participants reported lower overall retrospective knowledge mean levels after training in twenty areas as determined by the Council for the Advancement of Standards in Higher Education for Student Conduct Programs, there were five specific areas where conduct officers either reported having the same retrospective knowledge mean levels after training (3.00) as before training (see Figure 4.8). One knowledge area, Campus Sexual Violence Elimination Act of 1990, was the only area where participants reported a higher retrospective knowledge mean level after training (3.50) than before training (3.00). This finding suggests that seemingly conduct officer training at USM effectively educates conduct officers concerning laws pertaining to sexual assault.
Participants were also asked to share which components of the conduct process at USM are important to them (see Figure 4.9). The survey results indicated that knowing University policies concerning student conduct, knowing privacy and confidentiality policies, knowing laws regarding access to student records, and preparedness to adjudicate cases were immensely important to the participants. This finding suggests that despite how effective or ineffective conduct officer training may be at USM, the individuals who serve as conduct officers value the work of student conduct and realize the importance of policies, laws, and preparedness to effectively carry out the work of student conduct on campus.

Figure 4.8 Five Specific Areas of CAS Standards
Figure 4.9 Important Components of the Conduct Process

When asked about the major strengths of USM conduct officer training, participants responded:

“basic intro into what the code is”

“not overwhelming”

“actually occurs in a small setting where you can ask questions”

“the knowledge of the associate dean of students and his ability to convey the needed information in a concise manner”
These responses suggest that participants are pleased with the training materials, training setting, and associate dean who conducted the training.

When asked about specific training (strategies/procedures) conduct officers believe are needed to be successful as a conduct officer, participants responded:

“while we went over polices, I feel it would be helpful to examine a possible case study or have a role play exercise”

“more than an hour”

“providing a list of possible sanctions and definitions of each”

“I think a mock hearing would be helpful”

“I have not been assigned to many cases”

“Knowledge of code, ability to collect all relevant evidence/information”

This finding suggests that participants would appreciate conduct officer training that has more of a hands-on learning approach—participants were in agreement that actively practicing steps of a conduct case would help them to perform successfully. Additionally, lengthening the time of training and discussing sanctions and sanctioning type would also be helpful in successfully adjudicating conduct cases.

When asked how likely conduct officers will recommend the experience of serving as a conduct officer to a colleague or fellow student, participants responded:

“to those I feel are dedicated—very likely”

“Highly. I think it is important and think that we have a unique opportunity through this panel to provide students with learning opportunities, second chances, and to network with others on our campus.”
Responses like these suggest that serving as a conduct officer is not only a rewarding experience at USM, but also one that requires much dedication.

When asked to share any further concerns pertaining to the student conduct experience at USM, participants shared the following:

“None right now— the training in my opinion was brief and surface-level”

“I think the overall intention of the process is admirable. However, in my opinion, in some cases attending a conduct hearing at times feels like going to another meeting. We are potentially deciding the fate of students and need to develop ideas of preventative behavior and not necessarily extreme punishment.”

These responses indicate a mix of overall concerns for conduct officer training at USM. While one conduct officer is content with the training, another conduct officer is requiring more from the conduct officer experience in general; that includes training and conduct hearings.

Discussion

The results of this study indicate that conduct officers at The University of Southern Mississippi have lower reported retrospective knowledge mean levels after receiving training as determined by CAS standards for student conduct programs. The overall decrease in retrospective knowledge mean levels occurs in both faculty/staff and students suggesting that participants are generally unknowledgeable in the areas of adjudication/appeals boards and perhaps not confident to effectively perform their duties as designated conduct officers at USM. Additionally, conduct officers at USM would prefer more opportunities to serve as the majority of participants in this study reported adjudicating 1-2 cases. However, conduct officers who reported adjudicating 3-5 conduct
cases demonstrated an increase in retrospective knowledge mean levels after training. Ultimately, judicial administrators at USM should be best pleased in the fact that participants of this study perceived many components of the conduct process at USM—knowing University policies concerning student conduct, adhering to privacy and confidentiality policies, knowing laws regarding access to student records, and preparedness to adjudicate conduct cases—as important when carrying out the work of student conduct. Participants are likely to recommend this experience to colleagues and fellow students; nevertheless, mock hearings, case studies, role-playing exercises, and extended time of training sessions will be most beneficial in conduct officer training at USM.

Research Question One

The first research question of the study was “How well do training sessions prepare conduct officers at The University of Southern Mississippi when evaluated in 25 areas in adjudication/appeals boards by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP)?” Of the 25 areas by CAS, conduct officers at USM reported lower retrospective knowledge mean levels after training than before in twenty (20) areas that included: knowledge of the Southern Miss Code; knowledge of potential sanctions utilized in the process; knowledge concerning conducting a student conduct conference; knowledge of FERPA; and knowledge of higher education law. However, areas of increase of retrospective knowledge mean levels after training involved knowledge of the Campus Sexual Violence Elimination Act and the Campus Sexual Violence Elimination Act of 2013. While it is encouraging that pertinent laws such as the 2013 Clery Act and the Campus Sexual Violence Elimination
Act of 2013 are understood by conduct officers, there is still work to be done in addressing other major areas of student conduct at the University (e.g., weighing evidence and knowing an individual’s role as a conduct officer).

Research Question Two

The second research question of this study was “What components of the conduct process are perceived as important to conduct officers at The University of Southern Mississippi?” Participants were overwhelmingly positive regarding the importance of knowing University policies, conduct officer preparedness, and adhering to privacy and confidentiality polices and laws regarding access to student records. According to Fischer and Maatman (2008), “broadly speaking, the student conduct practitioner’s job is about conflict resolution in a number of spheres; between parties, between individuals and a community, between competing value systems, and sometimes between oneself and others over matters of policy, law, or process” (p. 24). Judicial administrators at USM should be best pleased in the fact that conduct officers at the University regard many components of the conduct process (e.g., policies, laws, and preparedness) as important which contributes to a procedurally fair conduct system. Such conduct systems are not only effective, but also critical in ensuring learning opportunities throughout the student conduct process (Stimpson & Janosik, 2015).

Research Question Three

The third research question of the study was “What action(s) should judicial administrators take to enhance conduct officer training at The University of Southern Mississippi?” According to survey results, participants reported that the training received was well presented and involved pertinent information to perform job duties.
Additionally, participants viewed the setting in which training was performed to be favorable and conducive to asking challenging questions; however, participants believed that opportunities for mock hearings and a list of defined sanctions would be an added benefit to the training session. Furthermore, conduct officers indicated an interest in participating in more conduct cases for experience and the opportunity to put learned skills to use. Because conduct officers are very likely to recommend this experience to other colleagues and students, these additions would serve judicial administrators well.
CHAPTER V – RECOMMENDATIONS AND CONCLUSION

Recommendations

The first recommendation is to ensure that the learning outcomes of conduct officer training at The University of Southern Mississippi thoroughly align with the aims and objectives for adjudication/appeals boards as outlined by the Council for the Advancement of Standards in Higher Education (CAS) for Student Conduct Programs (SCP) (see Appendix H). By doing so, it is likely that conduct officers will better serve in their roles as conduct officers.

A second recommendation is for judicial administrators at USM to clearly articulate what the student conduct philosophy is as determined by the Dean of Students Office. Qualitative responses revealed that some participants believed USM’s conduct system to be punitive rather than educative. By sharing the office’s philosophy in training, conduct officers will be better educated on the specific mission and goals of the student conduct process at USM.

Third, it is recommended that judicial administrators at USM take into consideration important components of the conduct process as perceived by current and former conduct officers. For example, participants of this study indicated that preparedness to adjudicate a conduct case is an important component of the student conduct process at USM. Information from current and former conduct officers concerning preparedness to adjudicate cases is indicative of what areas of the conduct process judicial administrators should emphasize and regard as highly important when assembling an effective conduct officer team. Fortunately, there are other conduct hearing boards on campus, such as USM’s Housing and Residence Life Conduct Hearing
Board, that provide tips and suggestions before adjudicating conduct cases (see Appendix G). As a result, it is likely that conduct board members will ensure a fair and effective experience for students navigating the student conduct process at USM.

Another recommendation is for judicial administrators to conduct training in specific, topical areas of student conduct and provide continual training throughout the semester or academic year. For example, one participant expressed a desire to learn more concerning collecting relevant evidence and information. Fortunately, other adjudicating offices on campus, such as the Title IX Office, offer training in particular areas for their panel members (see Appendix F). A more targeted and specialized approached may help conduct officers to focus on one important objective or task at a given time and likely ensure transformative teaching to students who find themselves navigating the student conduct process at USM.

Lastly, judicial administrators at USM should seek to produce data and broaden the visibility and work of the conduct office. By producing data highlighting how effective the conduct process is at the University and by sharing such data with colleagues, the student conduct system at USM can remain viable in its mission to serve the campus community by developing students ethically and morally. After all, current conduct officers are willing to recommend this experience to peers and colleagues.

Conclusion

According to the Council for the Advancement of Standards in Higher Education for Student Conduct Programs, adjudication boards may consist of faculty, staff, and students. The roles and functions of the boards are various but can “provide educational and developmental benefits for both the accused student and the individuals serving on
the board/panel” (p. 10). Specialized training for conduct officers is not only vital in increasing knowledge, but also for the effectiveness of any student conduct system regardless of the board size, type, and composition (Zdziarski & Wood, 2008). This study has the potential to assist current and future judicial administrators at The University of Southern Mississippi who find themselves questioning how best to train conduct officers on campus to ensure moral and character development of students who attend USM. The more knowledgeable and confident conduct officers are in their service to this institution as conduct officers, the more beneficial the student conduct process at USM will be for faculty, staff, and students alike.
APPENDIX A – EMAIL TO PROSPECTIVE PARTICIPANTS

Recruitment Email
Donavan L. Johnson
Graduate Student in Higher Education Administration
Conduct Officer Training Study

Dear Southern Miss faculty member,

My name is Donavan L. Johnson, a doctoral candidate at the University of Southern Mississippi. For my doctoral project in the Higher Education Administration program (EdD), I am examining the usefulness and learning outcomes associated with training sessions of conduct officers; identifying the perceptions of training received by conduct officers; and recommending conduct hearing strategies that may assist in increasing competency and performance of conduct officers. Because you have served on the Conduct Hearing Panel (CHP) in the past three (3) years or currently serving on the CHP, I am inviting you to participate in this research study by completing the attached survey.

The following questionnaire will require approximately ten (10) to fifteen (15) minutes to complete. There is no compensation for responding nor is there any known risk; all information will remain confidential and copies of the doctoral project will be provided to the coordinator of the higher education program, Dr. Holly Foster. If you choose to participate in this doctoral project, please answer all questions as honestly as possible and respond to the completed questionnaire promptly. Participation is strictly voluntary, and you may refuse to participate at any time.

Thank you for taking the time to assist me in my educational endeavors. The data collected will provide useful information regarding the future training of conduct officers and the enhancement of the student conduct process and conduct environment on campus, both of which contribute significantly to our students' retention, persistence, and overall moral development at Southern Miss. If you would like a summary copy of this study, please email me directly.

Also, if you are not satisfied with the manner in which this study is being conducted, you may report (anonymously if you so choose) any complaints to the coordinator of the higher education and administration program, Dr. Holly Foster via email (Holly.Foster@usm.edu) or telephone (601.266.4751).

You may access the survey hyperlinked here: https://usmep.co1.qualtrics.com/jfe/form/SV_eP51MlnwMB9dUyx

Sincerely,

Donavan L. Johnson
Dear Southern Miss staff member,

My name is Donavan L. Johnson, a doctoral candidate at the University of Southern Mississippi. For my doctoral project in the Higher Education Administration program (EdD), I am examining the usefulness and learning outcomes associated with training sessions of conduct officers; identifying the perceptions of training received by conduct officers; and recommending conduct hearing strategies that may assist in increasing competency and performance of conduct officers. Because you have served on the Conduct Hearing Panel (CHP) in the past three (3) years or currently serving on the CHP, I am inviting you to participate in this research study by completing the attached survey.

The following questionnaire will require approximately ten (10) to fifteen (15) minutes to complete. There is no compensation for responding nor is there any known risk; all information will remain confidential and copies of the doctoral project will be provided to the coordinator of the higher education program, Dr. Holly Foster. If you choose to participate in this doctoral project, please answer all questions as honestly as possible and respond to the completed questionnaire promptly. Participation is strictly voluntary, and you may refuse to participate at any time.

Thank you for taking the time to assist me in my educational endeavors. The data collected will provide useful information regarding the future training of conduct officers and the enhancement of the student conduct process and conduct environment on campus, both of which contribute significantly to our students' retention, persistence, and overall moral development at Southern Miss. If you would like a summary copy of this study, please email me directly.

Also, if you are not satisfied with the manner in which this study is being conducted, you may report (anonymously if you so choose) any complaints to the coordinator of the higher education and administration program, Dr. Holly Foster via email (Holly.Foster@usm.edu) or telephone (601.266.4751).

You may access the survey hyperlinked here:
https://usmep.co1.qualtrics.com/jfe/form/SV_eP51M1nwMB9dUyx

Sincerely,

Donavan L. Johnson
Dear Southern Miss student,

My name is Donavan L. Johnson, a doctoral candidate at the University of Southern Mississippi. For my doctoral project in the Higher Education Administration program (EdD), I am examining the usefulness and learning outcomes associated with training sessions of conduct officers; identifying the perceptions of training received by conduct officers; and recommending conduct hearing strategies that may assist in increasing competency and performance of conduct officers. Because you have served on the Conduct Hearing Panel (CHP) in the past three (3) years or currently serving on the CHP, I am inviting you to participate in this research study by completing the attached survey.

The following questionnaire will require approximately ten (10) to fifteen (15) minutes to complete. There is no compensation for responding nor is there any known risk; all information will remain confidential and copies of the doctoral project will be provided to the coordinator of the higher education program, Dr. Holly Foster. If you choose to participate in this doctoral project, please answer all questions as honestly as possible and respond to the completed questionnaire promptly. Participation is strictly voluntary, and you may refuse to participate at any time.

Thank you for taking the time to assist me in my educational endeavors. The data collected will provide useful information regarding the future training of conduct officers and the enhancement of the student conduct process and conduct environment on campus, both of which contribute significantly to our students' retention, persistence, and overall moral development at Southern Miss. If you would like a summary copy of this study, please email me directly.

Also, if you are not satisfied with the manner in which this study is being conducted, you may report (anonymously if you so choose) any complaints to the coordinator of the higher education and administration program, Dr. Holly Foster via email (Holly.Foster@usm.edu) or telephone (601.266.4751).

You may access the survey hyperlinked here: https://usmep.co1.qualtrics.com/jfe/form/SV_eP51M1nwMB9dUyx

Sincerely,

Donavan L. Johnson
Doctor of Education Candidate
(601.670.0723) and/or Donavan.Johnson@usm.edu

Lilian Hill, PhD
(601.266.4622) and/or Lilian.Hill@usm.edu
Purpose:

The purpose of this study is to describe conduct officer training sessions; to determine usefulness and learning outcomes associated with training sessions; to identify perceptions of training received by conduct hearing officers and provide recommendations for the improvement of training received by conduct hearing officers at The University of Southern Mississippi; and to identify conduct hearing strategies that may assist in increasing competency and performance levels of conduct officers at a public institution in the rural south.

Description of Study:

In this study, you will be asked a few questions about your experiences as a member of the University's Conduct Hearing Panel (CHP). Should you choose to participate, all I ask for is ten (10) to fifteen (15) minutes of your time.

Benefits:

Participating in this study will not have direct benefits to you; however, results will help add to the knowledge base regarding conduct training styles, practices, and experiences among conduct hearing officers as well as the enhancement of the student conduct process and conduct environment at The University of Southern Mississippi.

Risks:

There are no foreseeable risks, discomforts, or inconveniences connected to participation in this study. To ensure that risks are minimized, the researcher will execute sound research design (i.e., online survey) that will not unnecessarily expose participants to risk. Also, the Institutional Review Board at The University of Southern Mississippi has reviewed the questions. They think you can answer them comfortably.

Confidentiality:

The questionnaire will not contain your name or any personal information. The data will be stored in a locked cabinet in the researcher's office and will only be seen by the researcher and coordinator of the doctoral program during and after the study. You can quit at any time. Participation is your choice, and you will not be penalized for anything if you desire to stop at any moment during the questionnaire.
Alternative Procedures:

I am not aware of any alternative study concerning this issue/research project. The alternative is not to participate.

Participant's Assurance:

The project has been reviewed by the Institutional Review Board, which ensures that research projects involving human subjects follow federal regulations.

Any questions or concerns about rights as a research participant should be directed to the Chair of the IRB at 601.266.5997. Participation in this project is completely voluntary, and participants may withdraw from this study at any time without penalty, prejudice, or loss of benefits.

Any questions about the research should be directed to the Principal Investigator at Donavan.Johnson@usm.edu

CONSENT TO PARTICIPATE IN RESEARCH

Consent is hereby given to participate in this research project. All procedures and/or investigations to be followed and their purpose, including any experimental procedures, were explained to me. Information was given about all benefits, risks, inconveniences, or discomforts that might be expected.

The opportunity to ask questions regarding the research and procedures was given. Participation in the project is completely voluntary, and participants may withdraw at any time without penalty, prejudice, or loss of benefits. Unless described above and agreed to by the participant, all personal information is strictly confidential, and no names will be disclosed. Any new information that develops during the project will be provided if that information may affect the willingness to continue participation in the project.

Questions concerning the research, at any time during or after the project, should be directed to the Principal Investigator with the contact information provided above. This project and this consent form have been reviewed by the Institutional Review Board, which ensures that research participant should be directed to the Chair of the Institutional Review Board, The University of Southern Mississippi, 118 College Drive #5116, Hattiesburg, MS 39406-0001, 601.266.5997.

By clicking the button below, consent is hereby given to participate in this research project. All procedures and/or investigations to be followed and their purposes, including any experimental procedures, were explained to me. Information was given about all
benefits, risks, inconveniences, or discomforts that might be expected. Click the button below if you are 18 years or older and consent to this study.
APPENDIX C – ONLINE SURVEY

Q3 What is your gender?

○ Male (1)

○ Female (2)

○ Prefer Not to Answer (3)

Q4 Which race/ethnicity best describes you? (Please choose only one.)

○ American Indian or Alaskan Native (1)

○ Asian/Pacific Islander (2)

○ Black or African American (3)

○ Hispanic American (4)

○ White or Caucasian (5)

○ Multiple ethnicity/ Other (please be specific) (6)

Q5 Which category below includes your age?

○ 18-20 (1)

○ 21-29 (2)

○ 30-39 (3)

○ 40-49 (4)

○ 50-59 (5)

○ 60 or older (6)
Q6 Which is the highest level of school you have completed or the highest degree you have received?

○ High school degree or equivalent (e.g., GED) (1)

○ Associate degree (2)

○ Bachelor's degree (3)

○ Graduate degree (4)

Q7 I am:

○ an undergraduate student (1)

○ a graduate student (2)

○ a staff member (3)

○ a faculty member (4)

Q8 I am currently a:

○ First-year hearing officer (1)

○ Second-year hearing officer (2)

○ Third-year hearing officer (3)

○ Former hearing officer (4)
Q9 Which of the following best describes the majority of the conduct officer training you have received in an academic year? Select only one.

- 0 training (5)
- One-time training (1)
- Two trainings a year (2)
- Three trainings a year (3)
- Four or more trainings a year (4)

Q10 Which of the following best describes the number of cases you have adjudicated as a member of the Conduct Hearing Panel? Select only one.

- 0 cases (5)
- 1-2 cases (1)
- 3-5 cases (2)
- 6-7 cases (3)
- 8 or more cases (4)
Q11 Please rate your knowledge/skills using the following scale:

1- Extremely knowledgeable
2- Very knowledgeable
3- Somewhat knowledgeable
4- Not so knowledgeable

5- Not at all knowledgeable
<p>| Rate your knowledge of the Southern Miss Student Code of Conduct, including policies and procedures. (1) | Before Training (1) | After Training (2) |
| Rate your knowledge of potential sanctions utilized in the Southern Miss conduct process. (2) | Before Training (1) | After Training (2) |
| Rate your confidence level concerning conducting a student conduct conference with a student. (3) | Before Training (1) | After Training (2) |
| Rate your knowledge level concerning FERPA. (4) | Before Training (1) | After Training (2) |
| Rate your knowledge concerning the Drug Free Schools and Communities Act. (5) | Before Training (1) | After Training (2) |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate your knowledge concerning the Jeanne Cleary Disclosure of Campus Security Act of 1990. (6)</td>
<td></td>
</tr>
<tr>
<td>Rate your knowledge concerning the Campus Sexual Violence Elimination Act of 2013. (7)</td>
<td></td>
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<tr>
<td>Rate your knowledge concerning recent amendments to the Violence Against Women Act (VAWA). (8)</td>
<td></td>
</tr>
<tr>
<td>Rate your overall knowledge of Higher Education law. (9)</td>
<td></td>
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<tr>
<td>Rate your overall knowledge of the institution's philosophy on student conduct. (12)</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Rating</td>
</tr>
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<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Rate your overall knowledge of the operation of the conduct process at all levels including your scope of authority.</td>
<td>(11)</td>
</tr>
<tr>
<td>Rate your overall knowledge of the conduct hearing panel's role in the student conduct process.</td>
<td>(26)</td>
</tr>
<tr>
<td>Rate your overall knowledge of individual and institutional rights and responsibilities, including institutional and legal requirements.</td>
<td>(14)</td>
</tr>
<tr>
<td>Rate your overall knowledge of roles and functions of all student conduct authorities/bodies and their members.</td>
<td>(13)</td>
</tr>
<tr>
<td>Rate your overall knowledge of weighing evidence.</td>
<td>(15)</td>
</tr>
<tr>
<td></td>
<td>Rate your overall knowledge of determining credibility. (17)</td>
</tr>
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<tr>
<td></td>
<td>Rate your overall knowledge of the preponderance of the evidence. (18)</td>
</tr>
<tr>
<td></td>
<td>Rate your knowledge of confidentiality of student conduct records. (19)</td>
</tr>
<tr>
<td></td>
<td>Rate your knowledge of addressing bias. (20)</td>
</tr>
<tr>
<td></td>
<td>Rate your knowledge of addressing conflict of interest in the student conduct process. (21)</td>
</tr>
<tr>
<td>Rate your overall level of comfort concerning your involvement in the student conduct process. (22)</td>
<td></td>
</tr>
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<tr>
<td>Rate your knowledge available personal counseling/referral sources on campus. (23)</td>
<td></td>
</tr>
<tr>
<td>Rate your knowledge of conditions that may involve interactions with external enforcement officials, attorneys, witnesses, parents, or family members, and the media. (24)</td>
<td></td>
</tr>
<tr>
<td>Rate your knowledge of development and interpersonal issues likely to arise among college students. (25)</td>
<td></td>
</tr>
</tbody>
</table>
Q12 Please use the following scale to rate the following items about yourself as a conduct officer:

Disagree Strongly (D-ST)

Disagree Moderately (D-M)

Disagree Slightly (D-SL)

Agree Moderately (A-M)
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Adjudicating student conduct cases is important to me. (1)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Knowing University policies concerning student conduct is important to me. (2)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Being well prepared to participate in a student conduct case is important to me. (3)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Privacy and confidentiality policies are important in the work of student conduct. (4)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Laws regarding access to student records are important to me. (5)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
Q14 What are the major strengths of USM conduct officer training?

________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

Q16 What specific training (strategies/procedures) do you believe you need to be successful as a conduct officer at USM?

________________________________________________________________
________________________________________________________________

Q17 How likely are you to recommend this experience to other colleagues or students?

________________________________________________________________
________________________________________________________________

Q18 Please share any additional concerns you have at this juncture:
APPENDIX D– IRB APPROVAL LETTER

IRB-18-27 - Initial: Goshorn Committee Letter - Exempt

irw@usm.edu
Tue 1/2/2018 8:34 AM
To: Donovan Johnson <Donovan.Johnson@usm.edu>; Lilian Hill <Lilian.Hill@usm.edu>

Office of Research Integrity

INSTITUTIONAL REVIEW BOARD
118 College Drive #5147 | Hattiesburg, MS 39406-0001
Phone: 601.266.3937 / Fax: 601.266.4377 | www.usm.edu/research/institutional-review-board

NOTICE OF COMMITTEE ACTION
The project below has been reviewed by The University of Southern Mississippi Institutional Review Board in accordance with Federal Drug Administration regulations (21 CFR 21, 111), Department of Health and Human Services regulations (45 CFR Part 46), and University Policy to ensure:

- The risks to subjects are minimized and reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered involving risks to subjects must be reported immediately, but not later than 10 days following the event. Problems should be reported to ORI via the incident template on Cayuse IRB.
- The period of approval is twelve months. An application for renewal must be submitted for projects exceeding twelve months.

PROTOCOL NUMBER: IRB-18-27

PROJECT TITLE: "Hearing From Those Appointed to Hear: An Assessment of Conduct Officer Training at The University of Southern Mississippi"

SCHOOL/PROGRAM: School of Education, Educational Research and Admin

RESEARCHER(S): Donovan Johnson
Lilian Hill

IRB COMMITTEE ACTION: Approved
CATEGORY: Exempt
PERIOD OF APPROVAL: November 13, 2018 - November 13, 2019

Edward L. Goshorn, Ph.D.
Institutional Review Board Chairperson

Page 1 of 1

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Student Development
- Character & Values (V.M.)
  - Showing respect
  - Handling emotions
  - Moving through autonomy
  - Toward independence
  - Developing mature interpersonal relationships
  - Developing clients
  - Developing purpose
  - Developing integrity

Student Development
- Conduct
- Choices
- Consequences

Student Code of Conduct
- The Code of Student Conduct has been established to foster and protect the core missions of the University of Southern Minnesota, to respond to the scholarly and social development of the University, to ensure learning environments, and to protect the people, properties, and processes that support the University and its missions. The core missions of the University are research, teaching, learning, and service. Promotion of academic freedom and free and open exchange of ideas support all members of the University, and all members of the University are entitled to these missions.
Types of Conduct:

- Prohibited Conduct
- Law of Student Affairs
- Academic Integrity
- Office of the Provost
- Sexual Misconduct
- Title IX Policy

Prohibited Conduct

Student Complaint Form

Prohibited Conduct
Implicit Bias

Key points to remember:

- Also known as implicit social cognition, implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control.
- Rooted deep in the subconscious, these biases are different from known biases that individuals may choose to conceal for the purposes of social and/or political correctness.
- The implicit associations we harbor in our subconscious cause us to have feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance.
- These associations develop over the course of a lifetime beginning at a very early age through exposure to direct and indirect messages. In addition to early life experiences, the media and news programming are often-cited origins of implicit associations.

Key Characteristics of Implicit Biases:

- Implicit and explicit biases are related but distinct mental constructs. They are not mutually exclusive and may even reinforce each other.
- The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse.
- We generally tend to hold implicit biases that favor our own ingroup, though research has shown that we can still hold implicit biases against our ingroup.
- Implicit biases are malleable. Our brains are incredibly complex, and the implicit associations that we have for men can be gradually unlearned through a variety of debiasing techniques.

* Taken from theimplicit Institute for the Study of Race and Whiteness, Ohio State University: [http://biasinstitute.osu.edu/](http://biasinstitute.osu.edu/)

Next Steps...

- Continue the conversation with friends, family, colleagues
- Learn more about implicit bias and how it impacts your life
- Take the "Project Implicit" assessment: [https://implicit.harvard.edu/implicit/takeatest.html](https://implicit.harvard.edu/implicit/takeatest.html)
Recognizing Biases

Bias:

Causes to feel or show inclination or prejudice for or against someone or something (Oxford Dictionary).

Biases can be conscious or unconscious (or implicit). Implicit biases are often harder to address because they are hidden, and the person is unaware. Yet, everyone has some type of bias.

Therefore, as a Sexual Misconduct Investigator, the issue is not whether you have bias, but whether you:

1. Can recognize your biases
2. Act on your biases
3. Are willing to change your opinions

Take the test:

For example:

1. Affinity - the natural tendency to feel more comfortable with people with whom we have more to share.

During an investigation this may look like:

➢ The complainant attended your alma mater, and it is clear she shares your love for sports. However, you and the respondent have nothing in common. You are more friendly to the complainant (as evidenced by your smiles, head nods when she speaks etc.). At the end of the interview, you speak in much higher terms of the complainant because of your shared connection, and tell the panel that she appears more credible.
I. Communication

Interpersonal communication can be viewed as three components, which either complement or contradict one another. As you listen to testimony or ask questions of witnesses, it is important that you focus on the complete message. Components of the message are:

A. Verbal: Only 7% of what is understood in a given exchange is communicated through words alone.

B. Paralanguage: Accounts for 38% of what is understood. Paralanguage includes volume, pitch, rate and tone of voice.

C. Body Language: Adds an additional 55% to the communication. Body positioning, posture, eye contact, hand gestures and facial expressions add a great deal to what is understood.

When a person's body language and paralanguage match the words spoken, the message is said with greater impact and is more clearly understood. When inconsistencies are observed, paralanguage and body language are used to carry more weight. For example, if someone is expressing anger but smiling, the body language will be perceived as “misleading” as it is more likely to express the true feelings of the individual. Board members can foster or inhibit open communication from witnesses by their attending/listening skills.

II. General Guidelines to Open Communication

A. Tips for paying attention to the speaker
   * Lean forward slightly.
   * Make eye contact with the person speaking.
   * Acknowledge what is being said by nodding or “ah huh” sounds.

B. Tips for assessing what is being said
   * Look for consistency in the speaker’s message. Does the verbal, paralanguage, and body language match? Is the witness fidgeting and looking down when they answer a question?
   * These observations may give you clues as to their credibility and sincerity.

C. Tips when asking questions of witnesses
   * Formulate your questions before asking them. Make sure they are relevant and clear.
   * Ask open-ended questions if you want more information and closed questions (those which can be answered by one or two words) if you wish a specific, concise answer.
   * Do not point at the person while speaking.
   * Keep your voice calm and well-modulated.
   * Do not interrupt the witness while speaking unless absolutely necessary.
   * Do not ask multiple questions.
   * Once a person has answered a question, you may paraphrase their response to ensure that you understand what was said to you.
III. Decision Making

The process of rendering decisions in discipline cases is a difficult one, especially when suspension or expulsion are possible outcomes. The decision-making process can go smoothly if board members follow these suggestions.

A. Testimony

Throughout the proceeding, listen carefully to all of the evidence presented. Ask thoughtful questions, which will help determine how much evidence should be given to each individual's testimony. Here is a list of suggested questions to consider while preparing to make a decision:

- How relevant is the testimony of this witness to the central issue(s) of the case?
- How much does this person know about the action or incident in question?
- How did this person come to know this information?
- Which of the witnesses had the best opportunity to observe the action or incident in question?
- In how much detail can the witness recall the action or incident? Is this witness' recollection of details consistent with the recollections of other witnesses?
- Are there circumstances which might call the reliability of the witness into question?
- Is there any reason why a witness may not be providing complete and accurate testimony?

It is your prerogative to ( oportunously ) question all witnesses, complainants and respondents with respect to these and other similar issues. Your task is to find the facts.

B. Fact Finding

Clearly the most difficult task, especially in contested cases, fact-finding is the task of determining what evidence presented is clear and convincing you. Specifically, what can the board determine to be fact in the case?

1. Examine each piece of evidence in the context of the standard of proof: clear and convincing proof. Witnesses must be credible and convincing; they must be able to provide reasonably detailed accounts of the events in question.
2. The facts of the case are those events, circumstances, incidents, or actions, which you firmly believe to be true in light of all evidence and testimony which you have heard.
3. Facts are not those matters or circumstances which might or might not have occurred. Conjecture has no place in a finding of fact.
4. The principal question in your mind at this point should not be "is this individual responsible for the alleged violation?" but the principal question should be "what happened?"
5. The findings of fact should provide an account of the incident in question. Members of the board must have a clear command of the facts in order to make a decision.

C. Determination

Once you have determined the facts of the case, you can determine whether or not the respondent violated the policy. This leads directly to a decision as to whether the respondent is "responsible" or "not responsible". This decision should be relatively easy if the board has approached the fact finding systematically.

1. Restate the findings of fact.

2. From the findings, render a decision regarding responsibility for the violations.

3. Determine appropriate sanctions according to the violations and demeanor of the student.

A word of caution—be careful not to prejudice a sanction outcome before determining the facts. Keep an open mind with regards to the evidence. If the facts are clear that a student struck another student, do not discount evidence merely because a suspension may be possible. Do not consider possible sanctions until a decision has been reached regarding the facts. Appropriate sanctions will be tailored to the individual student, but only after responsibility has been determined.

IV. Consensus Building

If you find a student has violated Residence Life policies, you will be asked to impose an appropriate sanction. Past experience suggests the discussion leading to your determination of the most appropriate sanction may be more difficult than the discussion concerning the violation. Although a unanimous decision is not required for sanctioning, it is hoped that all panel members reach consensus about what is the most appropriate sanction. Strategies which can make reaching consensus easier are presented below.

When building consensus, the objective is to elicit the consensus of all members of the group and attempt to find the best and most creative solutions. The conflict between two opposing viewpoints is valued as an opportunity to reach a better decision. Presenting an opposing viewpoint is not seen as divisive but as constructive. The input of each group member is recognized and valued equally. Participants do not compromise but continue to offer suggestions and modify the suggestions made by others until one idea emerges which all can support.
Developing consensus within a group requires more than that other methods of decision-making. The way group members work together to reach a decision is as important as the decision itself. You should strive to have each member contribute and participate equally, despite differences in status, assertiveness or other personal qualities. In other words, the opinions of a first-year freshman should be valued and treated with as much respect as the opinions of a Ph.D. candidate or a third-year law student. The contribution of a quiet, perhaps shy member should be listened to as carefully as the contributions of an outspoken, articulate member. You should consider and value emotions as well as logos, although distracting emotionalism is not helpful to the group’s consensus.

V. Questioning

Questioning is the most important aspect of the hearing process. As board members become more skilled at phrasing their questions, more useful information will be obtained from all participants. In-depth questioning helps the board to ascertain the facts of the case and clarify vague issues.

Here are some areas to remember while you are preparing to ask questions.

A. Open-ended Questions

Carefully phrase your questions as open-ended (why, what, how) rather than closed-ended (did you, were you). Closed-ended questions often result in a yes/no response which does not offer much additional information. Open-ended questions will allow the respondent to answer as long as she or he desires, possibly yielding more information than requested. In-depth questioning helps the board to ascertain the true facts of the case and clarifies vague issues.

For example:

**Closed-ended**

**Question:** “Were you angry when you broke the window?”
**Response:** “No.”

**Open-ended**

**Question:** “What were your feelings when you broke the window?”
**Response:** “I guess I was pretty angry...”
B. Multiple Choice

Another pitfall board members run into is offering multiple choice questions for the respondent to answer. The board member offers the respondent all of the choices she or he deems appropriate. Often this type of question also provides the respondent with the answer the board member wishes to hear.

For Example:

Question: “What were your feelings when you broke the window; were you angry, elated, frustrated, or just letting off steam? This was right around mid-term exam time.”

Response: “Oh, I was just letting off steam; exam weren’t going well…”

The respondent will choose the one that she or he thinks is least incriminating. Ask the question and stop.

C. Silence is Golden

Do not be alarmed when a question is asked and the person does not respond immediately. It is natural to think about a response before responding. Allow the person ample time to think without undue pressure to respond quickly. If the person needs clarification, let him or her ask for it. Don’t assume that she or he does not understand the question.

Sample Questions

Besides the fact related questions, here are some sample questions for you to consider during the proceeding.

1. What effect did your actions (or behavior) have on others? On the community? On yourself?

2. Explain what you hoped to accomplish through your actions.

3. Who is responsible for your behavior?
4. What other options were there for you in this situation?

5. What was the purpose of your behavior?

6. How would you feel if others were engaged in comparable behavior?

7. What would be the consequences to the community if everyone engaged in comparable behavior?

8. How is your relationship with your roommate? With other students on the floor? With staff members?

9. How does your responsibility for living with community standards apply to your actions in this situation?

10. How might you react if such a situation were to come up again?

VI. Negotiation Techniques

Negotiation is the process of searching for an agreement that satisfies various parties. An agreement may be reached either through a battle or through real negotiation. A battle allows only one party—the party in a position of power—to win; the other party is forced to accept something of lesser value. A real negotiation implies a “win-win” situation, in which all parties are satisfied.

Why use it?

To avoid dominance by one or more parties and to ensure a “win-win” situation where all parties get their needs met.

When to use it?

When different parties want or need to reach an agreement about the way to work the program, the assigned functions, the responsibilities, the supervision, etc.

How to use it:
1. Analyze the interest of the parties:
   - This is important to understand the perceptions, the style of negotiation, and the interests and principles of the counterparts, as well as one's own.

2. Plan the negotiation and determine:
   - What are the expectations from the negotiation?
   - What are the terms of the negotiation?
   - What are the non-negotiable terms and what can be modified?
   - What is the minimum that an agreement can be reached on?
   - What is the negotiation strategy?
   - What are the most important interests of the other parties?
   - How does one interact with or manage people?

3. Select the appropriate negotiation technique from among the following:
   - Spiral agreements
     - Begin by reaching a minimum agreement even though it is not related to the objectives, and build, bit by bit, on this first agreement.
   - Changing of position
     - Formulate the proposals in a different way, without changing the final result.
   - Gathering information
     - Ask for information from the other party to clarify their position.
   - Making the cake bigger
     - Offer alternatives that may be agreeable to the other party, without changing the terms.
   - Commitments
     - Formalize agreements orally and in writing before ending the negotiation.
   - Negotiate
     - Be sensitive and quick to adapt to changing situations, but do not lose sight of the objective. Avoid confrontational positions, and try to understand the interests of the other party. Some aspects that could interfere with the negotiation are:
       * Personal positions and interests
       * Psychological and emotional aspects of the persons (place, placement of chairs, body language, gestures, etc.)
     - Difficulties in communication (differences in languages, different meanings of the same words, etc.)
SCP must provide on-going case management, including the enforcement of outcomes and sanctions, assessing the developmental processes that have been affected, and ensuring that students are directed to appropriate services for support and assistance.

Use of Adjudication/Appeals Boards

Although under no legal or regulatory requirement to do so, a number of institutions use adjudication/appeal boards (also often known as hearing boards or panels) to resolve allegations of student misconduct. These panels, typically consisting of students, faculty, and staff can provide educational and developmental benefits for both the accused student and the individuals serving on the board/panel.

Roles and functions of adjudication/appeal boards may include

- reviewing referrals and concerns
- interpreting misconduct allegations and identifying if any specific policies, rules, or regulations were likely violated
- conducting preliminary meetings and gathering information pertinent to a formal allegation of misconduct
- advising students and other interested parties on their rights and responsibilities
- engaging in substantive discussions with students about relevant ethical issues
- scheduling, coordinating, and conducting resolution proceedings
- reviewing decisions and outcomes
- maintaining accurate written records of the entire proceeding
- referring information to other offices, parties, or student conduct authorities when applicable
- following up on sanctions to ensure that they have been implemented
● following up with students and other interested parties to ensure awareness of available support services
● establishing and implementing a procedure for maintenance and disclosure of conduct-related records
● assessing student conduct procedures, policies, and outcomes
● participating on governance-related committees associated with student conduct, except when a conflict of interest will result
● conducting education and outreach efforts of the SCP

When using an adjudication/appeal board, initial and in-service training of all members must be provided. This training must include all institutional officials or agents who serve on the adjudication/appeal board and individuals who serve in other positions related to the operation of the SCP.

In order for adjudication/appeal boards to fulfill their roles and functions, initial training should include

● an overview of all conduct policies and procedures
● an explanation of the operation of the conduct processes at all levels including their scope of authority
● an overview of the institution’s philosophy on student conduct and the adjudication/appeal board’s role in the process
● roles and functions of all student conduct authorities/bodies and their members
● review of individual and institutional rights and responsibilities, including institutional and legal requirements
● information on weighing of evidence, appropriate questioning, determining credibility and standard of proof as required topics
● an explanation of outcomes and sanctions
● an explanation of pertinent ethics, including confidentiality of student conduct records and addressing bias as well as conflict of interest in the student conduct process
● a description of available personal counseling programs and referral sources
● an outline of conditions that may involve interactions with external enforcement officials, attorneys, witnesses, parents or family members, and the media
● an overview of development and interpersonal issues likely to arise among college students
Based on the particular scope of the adjudication/appeal board, some specialized training may be required or needed to assist the board fulfill their obligations on campus; topics could include sexual violence, alcohol/drug issues, and hazing.

In-service training should include participation in relevant and on-going workshops, seminars, and conferences. A library containing current resources about the student conduct program should be made available.
REFERENCES


https://doi.org/10.1002/ss.37119873905


D.C: The George Washington University Graduate School of Education and
Human Development.

and practice. *NASPA Journal, 38*(1), 44-57. https://doi.org/10.2202/1949-
6605.1128

Dickstein, G., & Nebeker Christensen, A. (2008). Addressing student well-being and
mental health. In J. M. Lancaster & D. M. Waryold (Eds.), *Student conduct
practice: The complete guide for student affairs professionals* (pp. 216-240).
Sterling, VA: Stylus.


*New Directions for Student Services, 1987*(39), 85-94.

https://doi.org/10.1002/ss.37119873909


judicial systems in doctoral-granting universities. *NASPA Journal, 38*(2).

https://doi.org/10.2202/0027-6014.1135

Fley, J. (1964). Changing approaches to discipline in student personnel work. *Journal of
the National Association for Women Deans, Administrators and Counselors, 27*,
https://doi.org/10.1002/ss.37119967304


https://doi.org/10.1080/00276014.1995.11102068


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