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Lit Review Chapter

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At a large, public, research, state land-granting institution, the Residence Life Staff was tasked with developing a decision-making workshop that addressed ethical decision-making around low-level violations of the student Code of Conduct. Low-level violations include noise/quiet hour violations, roommate conflicts, residence hall party violations, level 1 alcohol and drug violations, in the presence of alcohol/empties, vandalism, piggybacking and guest violations.

After a half-hazard and unrefined process that did not focus on theory or practice to create the workshop and after administering the workshop for a year to students, participants in the workshop reported negative qualitative feedback about the workshop. This feedback included comments such as:

- 1) "The activities are childish;"
- 2) "The activities had no ethical choices in them setting us up for failure;"
- 3) "The workshop did not have a good flow and was not cohesive;"
- 4) "The workshop did not really connect to or highlight why I was assigned to attend the workshop in the first place;"
- 5) And, "Haven't you ever made a decision that you regretted later? What makes you an expert on decision-making and qualified to tell me what I should or should not do."

This negative feedback led to the Problem of Practice (PoP) for this Dissertation in Practice (DiP): Students assigned to attend a workshop on decision-making provided negative qualitative feedback while questioning the validity of the facilitator to engage in decision-making behaviors. The purpose of this dissertation is to utilize collaborative action research (CAR) to redesign the workshop while using a developmental framework of learning known as the curricular approach. With that, three areas emerge that need to be researched:

1) What is the curricular approach? How did it develop and where did it come from?

Can it be used to redesign this workshop?

2) What are the “best practices” in teaching about moral and ethical decision-making in the conduct process for college students?

3) Can the Office of Residence Life remove facilitator bias to better partner with the students to create a more welcoming and inclusive environment?

In order to answer these questions, a deep dive into the literature is necessary. The best place to start is by examining the history of higher education and what led to the development of the “Curricular Approach” and how this approach can be utilized to redesign the type of learning that is intended by Residence Life for this workshop.

The History of American Higher Education

The history of American Higher Education which ultimately led to the development of a curricular approach goes hand-in-hand with a discussion on student conduct and the development of the field of student affairs. Dr. Roger Geiger, in his book *The History of American Higher Education: Learning and Culture from the Founding to World War II*, details the founding of America’s first institution of Higher Education at Harvard College in 1636 through a

review of the emergence of colonial colleges (1740-1780), the introduction to women in higher education (1880-1915) and people of color (1915-1940) to the standardization of the American University today (Geiger, 2015). As one of the leading scholars on the History of Higher Education, Geiger in his book makes three things very clear. The first of which is that education has changed based upon the current trend leading the nation, whether that be the renaissance, the reformation, the awakening, the revolution, the industrial revolution, the antebellum period, and the civil war and that the question about the curriculum and what pedagogies should be incorporated in that curriculum have been a question of scholars for 421 years (Geiger, 2015). Furthermore, Geiger discusses how student behavior and discipline has impacted the college environment leading to the appointment of the first Dean of Men at Harvard, which led the way to the Student Affairs profession (Waryold, Diane & Lancaster, James, 2008, p. 5). Lastly, Geiger does not shy away from the fact that for 200 years, Higher Education in America was mainly for white, cis-gendered, upper-middle class men seeking to be trained as pastors and gentleman (Geiger, 2015).

Throughout much of the history of American Higher Education (which Harvard and Yale, the first two schools of Higher Education in the United States) were modeled based upon traditional German and Oxbridge institutions, discipline was left largely to the tutors of the institutions who lived with and taught the students (Geiger, 2015, p. 27). These tutors tried to reign in student behavior but were ultimately unsuccessful. These tutors followed the guidance at the time to act “in loco parentis” or in lieu of the parent (Waryold, Diane & Lancaster, James, 2008 p. 5). One thing that students complained about and rioted about throughout these early college experiments is the notion of submission and control, “the dominant role of the trustees

was written into most college charters, but when they sought to control daily affairs, especially student discipline, the results were usually detrimental” (Geiger, 2015, p. 116). These early colleges struggled to find the right balance of discipline and “students from all social backgrounds brought a democratic spirit to the colleges that conflicted with the hierarchical authoritarianism of their eighteenth-century customs” (Geiger, 2015, p. 128). Geiger notes that “Pranks and misbehaviors were endemic to colonial colleges...students apparently behaved with increasing license after the Revolution” (Geiger, 2015, p. 128). These Colleges experienced “prolonged and sometimes violent student rebellions,” 36 in total over the next decade; Here are a few of these aforementioned situations:

1798: “Student Strike” at Dickinson College

1799: Riot at the University of North Carolina

1802: “Destructive Rampage” at William and Mary burning Nassau Hall to the ground

1805: Great Secession in response to “student monitors” to inform on classmates

1807: Rotten Cabbage Rebellion at Harvard

1807: “The Most Damaging Disorder” at the College of New Jersey

1836: Armed Riot at the University of Virginia

1840: Celebration of Armed Riot. Professor John Davis, shot to death by student (Geiger, 2015, p. 128-238)

These situations led to a lot of different experiments on discipline in Higher Education ranging from filling students schedules so they had no free time, moving all students to live on campus, limiting the amount of money students could bring to campus, working with local merchants to not sell or serve alcohol to students and tightening discipline. Shockingly, none of

these reactive approaches worked in subduing students' behaviors (Geiger, 2015, p. 130). Only one thing seemed to quell student rebellions and that was the revival of "reasserting Christian piety" until the emergency of the "Collegiate Era" in the mid-1800s. (Geiger, 2015, p. 131).

Higher Education did not have its first real "student-centered" practitioner until 1795 when Timothy Dwight assumed the role of President of Yale College. As a 17-year-old Yale College graduate in the class of 1769, Dwight taught continuously until his death in 1817. Geiger notes that, Dwight "felt a genuine pastoral concern for students as individuals, seeking to instill in them a true love of learning, moral behavior, and piety" (Geiger, 2015, p. 138). He was successful as President, educator and disciplinarian because he "rejected the prevailing approach of submission and control" (Geiger, 2015, p. 137) and developed "the parental system of discipline" (Geiger, 2015, p. 138). Instead of admonishing students for their disciplinary failures, Dwight "gave them private, fatherly counseling" (Geiger, 2015, p. 138). This fatherly counseling would establish a special bond between administrator/educator and the student. Dwight set up a system of discipline that after counseling if the student continued to stray down the wrong path, he would give them a stern warning, bring the student's parents into the situation to rectify the problem and lastly send the student home (Geiger, 2015, p. 138). Dwight even went so far as to create a "student report card" that would be sent home to parents to engage parental influence into the educational approach of the student. "He was held in awe by Yale students and by faculty" and the student body did not riot during his Presidency (Geiger, 2015, p. 138). Dwight believed in "imposing less external control over students and instead according them greater responsibility for their own moral conduct" and viewed this as the alternative to "submission and control" (Geiger, 2015, p. 138). This new view of conduct that

Dwight employed, would eventually become the standard bearer for conduct in a modern higher education system. Unfortunately, after Dwight's death, his replacement did not have the same view of discipline and student riots started up again (Geiger, 2015, p. 138).

The year 1830 brought about the institution of President Jeremiah Day at Yale College. Day issued a new system of "marks" for discipline and "ended the old philosophy of submission and control...Yale now held students accountable for obeying the college regimen" (Geiger, 2015, p. 215). Students enjoying their greater freedoms started getting involved in extra-curricular activities such as sports, fraternities, literary and academic clubs, secular music groups and publications (Geiger, 2015, p. 216). Managing these new extra-curricular opportunities and student conduct would eventually become too much for the tutors and faculty that were responsible for the daily lives of the students. All of that paired with new thinking on college discipline changed the cultural context of discipline forever. President of Union College, Eliphalet Nott, "was among the first to conclude that the draconian approach to student discipline was counterproductive" and that a parental tone was far more welcomed and acceptable (Geiger, 2015, p. 216). This new philosophy on conduct and ability to overcome submission and control worked well for northern institutions, however in the South maintained an inflated sense of entitlement which led to many stories of student rebellion, destruction and violence in blatant disregard for the authorities in charge of the college (Geiger, 2015, p. 237).

The Emergent Need of Student Affairs

Students only spend a relatively small amount of time in the classroom, and even though those experiences are impactful and powerful there is a lot of life to live outside of the classroom, therefore it became a herculean task for professors and tutors to continue to

monitor all aspects of the student's life. Because of the egregious behaviors of students during the colonial era, institutions adopted the doctrine of "in loco parentis" which literally means in place of the parent, "empowered colleges and universities to manage students closely, as students were viewed in those times as emotionally immature and requiring strict adult supervision" (Long, 2012, p. 2; (Waryold, Diane, M. & Lancaster, James, 2008, p 5). Though American Higher Education had many rocky moments, higher education began to boom in America as students flocked to institutions to be trained on how to become a gentleman in society. With rising enrollment, and the continuous improvement and change of education and pedagogy, professors felt the need to continue to advance their careers and their learning. Professors "developed expertise in specific disciplines and maintained active agendas. They began training graduate students who shared the faculty's interests and who participated in the faculty's research pursuits better than undergraduate students" (Long, 2012, p. 3). Faculty no longer had the time, energy, or interest in living among students and preferred focusing on their discipline.

The development of extracurricular activities such as literacy clubs, dining clubs, fraternities, athletics, musical clubs, theater, etc. started to emerge as an important way to holistically develop the student out-of-the-classroom (Long, 2012, p. 3). If professors and tutors were no longer going to monitor student behavior, it became pertinent to find administrators who would. In the 1920's, with the educational boom and the emergence of Land Granting Institutions, the first student affairs administrators were hired to handle personnel matters, establishing these "Dean of Men" later "Dean of Students" as the enforcers of college policy, conduct and discipline (Long, 2012, p. 3).

Administrators started adding more and more services to their line up (career development, health services, student activities and organizations, residence life, counseling and psychological services) and before you knew it, a village was needed to serve the needs of these ever-growing student populations. Professional administrators started developing “best practices” to meet student needs, and benchmarking with other institutions until professional organizations started to form that would collectively serve as “powerhouses” of information and ideas. Out of this organization and the need to establish itself as important to the work on college campuses, The American Council on Education, in 1937 published their seminal work entitled “The Student Personnel Point of View,” which after several revisions listed 37-functional areas for student affairs and laid the foundational views and philosophies that govern the student affairs profession to this day (Long, 2012, p. 4).

As the student affairs profession started coming into its own stride and figuring out its role in the everyday college student’s life, the court system challenged the notion of “In Loco Parentis” in Dixon vs. Alabama State Board of Education (1961), thus defining the college student as a person over the age of 18 and therefore a legal adult (Long, 2012, p. 4). The focus of student affairs changed to “educating the students on making appropriate choices and decisions...student affairs professionals were tasked with greater roles in conflict resolution, communication and social justice” (Long, 2012, p. 4). One such professional organization that developed was ACPA, the American College Personnel Association. ACPA published a report in 1972 entitled, “Student Development in Tomorrow’s Higher Education: A Return to the Academy.” In the report, ACPA “argued that student affairs professionals could not have a significant impact on students intellectual, psychosocial, or emotional growth without first

understanding the motivations, abilities, and environments which drive, create, and define students (Long, 2012, p. 5). This led to professionals in student affairs to start conducting research, creating theories, and developing ideas that addressed all facets of student engagement creating an entire work, now referred to as Student Development Theory. Student Development Theory is grounded in the fields of human development, education, psychology, sociology, and cognitive development theories (Long, 2012, p. 5).

Such theorists such as Tinto (1993, Theory of Student Departure), Astin (1984, Student Involvement Theory), Kuh (2003, Student Engagement Theory), Terenzini and Pascarella (2005, College Impact Theory), Sanford (1962, Challenge and Support), Chickering's (1969, Seven Vectors of Development), Kohlberg (1958, Theory of Moral Development), Marcia Baxter-Magolda (2001, Learning Partnership Model/Self-Authorship), Terenzini and Reason (2005, College Influences on Student Learning and Persistence), Boyer (1996, Engaged Scholarship), Harro (1982, Cycle of Socialization), Crenshaw (1989, Theory of Intersectionality), and Kolb (1984, Experiential Learning Model), propose theories to truly understand the college student and what leads to their engagement, their satisfaction on campus, their motivation to succeed to degree completion, prior learning, and ultimately an assessment of learning in college (Phan, 2020; Evans et al., 2010).

One particular area that has a lot of irons in the fire and a lot at stake is Residence Life. Residence Life offers a comprehensive living and learning experience that seeks to utilize the time spent out-of-the-classroom to engage students in learning. Residence Life programs are not cheap to start nor are they cheap to maintain as they seek to run multi-million dollar operating budgets, address maintenance needs, hire professional and student staff members,

build state-of-the-art housing opportunities for students, collaboratively work with multiple departments on campus to ensure the overall safety, well-being, and satisfaction of students.

The Curricular Approach: A Theoretical Framework

Student affairs practitioners did just what they were instructed to do. They interacted with faculty and built collaborations across campus, they created data, assessed data, developed surveys, developed theories, tested theories and really dug into the needs, desires, and motivations of students. The experience afforded student affairs the opportunity to start making major changes to the status quo. As resources are becoming more and more restrained, as the cost of education is on the rise, and as more and more constituents feel the need to interfere with education, accountability has become tantamount to the college experience. In the early 2000's, many entry-level residence life positions only required a Bachelor's degree, now, most require a Master's degree. In order to prove that the work that Student Affairs does is important, and to account for the costs and resources that are needed to run Student Affairs programs, the field had to come up with a plan to prove what they are doing is working.

Since students spend so few hours inside the classroom versus outside-the-classroom, it is important that they are making the most of these experiences. "Student affairs educators have an obligation to each of these constituencies and to their institutions to make the most of the entire college experience for students, including opportunities for learning beyond the classroom" (Kerr et al, p. 1). Kerr and her colleagues (date) in their book, *The Curricular Approach to Student Affairs*, outline the many challenges that higher education is currently facing, "increase in mental health needs, evolving alcohol and substance abuse issues, increasing reports of sexual misconduct...state and federal funding to higher education has

decreased” (Kerr et al, p. 2) and their solution to improving the value of education is by making every second count. Replacing traditional programming models that were once popular in Higher Education that focus on the “wellness wheel,” and the “first six weeks,” the curricular approach “is a systemic way to be more purposeful and strategic about how educators who work with students beyond the classroom can best facilitate student learning as an outcome of the student experience” (Kerr et al, 2020, pp. 2-3).

The curricular approach is born out of the changing needs of the student affairs program and to better align with the current needs of today’s students. There is a renewed focus on 1) What is student learning? 2) How do we measure student learning? 3) How can we create a curriculum that fosters specific student learning, 4) How do we create “intentional” learning opportunities for students that meet students where they are at, 5) How can we assess that learning to better advocate for the work that we do and why it is important in the realm of academia (ACPA, 1996; Kneeling, 2004 & 2006; Kerr & Tweedy, 2006; Whitt, 2006). Kneeling’s Learning Reconsidered and Learning Reconsidered 2 pushes argues that student learning and student growth are all part of the same strand and that “students do not experience class and out-of-class separately; students experience college” (Kerr et al, 2020, p. 6).

Moving to a curricular approach moves the paradigm from a teacher-centric approach to a learner-focused approach, one where college and universities are not just transferring knowledge but allowing learners to create the knowledge for themselves (Kerr et al, 2020, p. 11). The curricular approach is a melding of current curriculum ideologies and pedagogies, focusing on Tyler’s Rationale and social efficiency ideology asking 1) What do we want students to learn, 2) How do we help facilitate experiences that will foster learning? 3) How do we

organize these experiences (sequenced/scaffolded learning) and 4) How do we assess whether or not the learning was successful (Schiro, 2013) and the learner ideology approach where “educational aims that have been developed based on research, literature, data and institution specifics, how can these student experiences be tailored, modified, or changed based on good pedagogy to facilitate learning” (Kerr et al, 2020, p. 13).

The Curricular Approach, supported by ACPA, started out in Residence Life. Residence Life educators implemented a “residential curriculum” that would create intentional learning opportunities for students living in the residence halls to engage with specific objectives through learning strategies designed to facilitate learning. Assessment strategies were built into the program to measure whether or not students were actually learning the objectives the department wanted. The movement grew and expanded outside the walls of the residence halls and departments across all of campus are now adopting the curricular approach. The curricular approach is an intentional learning curriculum, “a curriculum is an articulation of broad learning goals refined and further articulated by student learning outcomes and a comprehensive, intentional, and developmentally sequenced student engagement and delivery plan. This plan provides focus, clarity, and a process for continuously improving design and implementation through assessment, (Kerr et al, 2020, p. 19).

Traditional programming models were chaotic, often spontaneous, disjointed, focused on students as the educators of complex information and measured the benefit of the programming based upon the number of students who attended vs. the quality of the content that was presented. The curricular approach is different. It offers a systematic, detail-oriented and organized approach that focuses on student learning through student’s out of classroom

experiences. Having explored the literature on the development of higher education and the emergence of student affairs which ultimately led to the curricular approach, it is time to now examine the literature on decision-making in the conduct process in higher education.

Student Conduct

Student conduct has been a major influence on college campuses over the years. As Dr. Roger Geiger has made clear in his book, *The History of American Higher Education*, student conduct led to a lot of upheaval on college campuses. As faculty started getting more engaged in the process of furthering their education, developing doctoral programs and teaching masters and doctoral students, their interest and time for managing student conduct waned and someone had to take over. The actual field of Student Conduct administration on college campuses is still relatively new as the actual professional organization that governs conduct, the Association for Student Judicial Affairs (ASJA) was founded by Don Gehring at the University of Louisville in 1986 (Waryold, Diane, M. & Lancaster, James, Introduction, 2008)

The goal of student conduct is to “promote growth and development in students while protecting the interests of the larger campus community” (Waryold, Diane & Lancaster, James, 2008, p. 3). In order to do that, student affairs administrators engaged in the conduct process must create an environment that creates a “safe environment in which students are encouraged to talk about and explore the issue that challenge their life and threaten their success in college” (Waryold, Diane & Lancaster, James, 2008, p. 3). Focusing on ways to create an inclusive environment where all students are heard, valued, and can engage in the process is extremely important. Further in this chapter will be a discussion about how to engage students utilizing Universal Design practices to create a more inclusive environment that helps achieve

these goals. But the basic intent of student conduct is to seek a transformative learning experience for the student (Fischer & Maatman, 2008, p. 17). It is our job as a student conduct practitioner to help the student understand the situation, take responsibility for their actions and to repair any harm that is done to the community. Our job is to help “the student see the situation in its multiple layers and nuances...ethical, emotional, developmental, interpersonal” and help recognize alternative choices so that in the future the student would hopefully make different decisions to avoid violating the code of conduct (Fischer & Maatman, 2008, p. 18). There are many thoughts that go through a student’s mind when they are making a decision but being able to ground that decision-making with a conversation about ethics and values is extremely important. Applied ethics are necessary and theorists such as Darwin, Kohlberg, and Gilligan all show that man has a predisposition to doing what is right even if it is detrimental to themselves (Pavela G. 2008, p. 107-110).

Moral Development

Lawrence Kohlberg created a theory of moral development stating that there are three levels of moral development and all humans travel through these different levels. The three levels are connected to cognitive development and are known as the pre-conventional, conventional and post-conventional stages. He developed his theory by posing moral questions to children. The most famous story is of a man who needed a drug to save his wife from cancer. The man could not afford the drug and after an eager fundraising effort could only raise half of what was needed for the cancer treatment. The man went to the chemist who developed the drug and asked if he could have the drug and the chemist said that since he developed the drug he wanted to make money from it. The man broke into the chemist’s lab and stole the drug.

Kohlberg would ask leading questions such as should the man have stolen the drug or would it have made a difference if the woman was a stranger and should the chemist be charged with murder if the woman died (Kohlberg, L, 1984). The pre-conventional stage states that children do not have a moral code or objective and that adults formulate this moral code for children by following or breaking rules. Conventional moral development is when people take their moral codes from the people around them and from society without questioning authority and the last stage is post-conventional development where people can think for themselves and focus on larger-picture ethical issues like the human dignity and the future of humankind (Kohlberg, L., 1984). Kohlberg felt that most people cannot get past the conventional level of moral development.

Most of this development happens during college (Lopez-Phillips & Trageser, 2008, p. 120). Student conduct officers are responsible for talking to students about their moral development. "Merging student development concepts with principles of student conduct practice" allow us to develop the entire student while having important conversations about decisions, taking responsibility for those decisions and accepting consequences (Baldizan, 2008, p. 131). If it is our role to take students on a journey to examine their values and how those values shape the decisions they are making, we too, must have a strong foundation for our own personal values (Baldizan, 2008, p. 130).

Baldizan notes that humans develop a moral muscle just like any other muscle and it requires use in order for humans to be able to develop and deploy it when needed. To develop this muscle and move through Kohlberg's stages of moral development students need to have

“lived experiences” in order to practice their ability to analyze and make decisions in moral and ethical situations (Baldizan, 2008, p. 132-133).

Humans have a tendency to be altruistic and value what is right. They follow a moral progression as stated by Kohlberg and students must exercise this muscle through experience as stated by John Dewey (135). These ethical stages of progression tie neatly into similar concepts of social justice (Lopez-Phillips & Trageser, 2008, p. 123). In order to have a conversation with student about their conduct, what decisions they made, why they made those decisions, what alternative choices they thought about, who would be harmed in the decisions they made are all questions that govern social justice. In developing a greater sense of self, student will gain a better understanding of their choices and the consequences of those choices (Lopez-Phillips & Trageser, 2008, p. 123).

Decision-Making

If students follow a moral trajectory, they then need to understanding decision-making from that approach. In 1984, Rest developed a four-component decision making model that helps govern the decisions students should make based upon a moral and ethical structure. Level 1: Moral Sensitivity (Deciding if the situation is moral or not), Level 2: Moral Reasoning (choose the moral approach to the situation), Level 3: Moral Choosing (deciding what decision should be made), Level 4: Moral Action (executing the decision based upon a moral action) (Baldizan, 2008, p. 136). This goes along with most decision-making models 1) Determine a decision needs to be made, 2) examine alternatives, 3) make a decision, 4) act upon the decision and 5) assess the decision (Schoenfeld, A.H, 2011).

The student decision-making process is not the only one in question during a conduct

process. It is also the responsibility of the conduct officer to be able to make a decision in the case. In order to do that, it must be a fair and balanced process. Student conduct officers bring their own set of values to the situation. Practitioners must be willing “to stand at the intersection of conflicting value and emotions” in order to have educational conversations with students (Fischer & Maatman, 2008, p. 20). The practitioner must also be “predisposed to see difference and conflict as a place where education can occur” and realize that it is through these educational conduct conversations where we can challenge and support our students and lead them to growth (20). As a conduct officer we have a duty and a responsibility; “Few individuals on the college campus have the conduct officer’s positional power to significantly change a student’s reality” (Lopez-Phillips & Trageser, 2008, p. 116).

Power And Privilege in Conduct

There are a lot of moving parts when it comes to conduct, but the most salient piece is the conduct officer’s role with power and privilege. Lopez-Phillips and Trageser suggest that any conversation that deals with “oppression, social justice and conduct” (Lopez-Phillips & Trageser, 2008, p. 117), requires context and an examination of the social hierarchies that exist on campus. Colleges oppress people, and this has been true throughout history as seen through Geiger’s account that it took so long before colleges started admitting women and people of color. In William Watkins, *Black Curriculum Orientations: A Preliminary Inquiry*, education for POC always started with the need for “survival” and moved into accommodating “white racial attitudes.” Lopez-Phillips and Trageser suggest starting with asking several important questions about the institution and about yourself as a check to power and privilege. These questions such as who has power on campus, what are things that might get in the way of the

developmental opportunity in front of me, what biases do I bring to the conduct conversation and what is “hidden” in my social identities, where/how does privilege manifest itself in my life, what does my office, the pictures on the wall, the ring on my finger, and the dominant or submissive groups or parts of my identity convey (Lopez-Phillips & Tragesar, 2008, p. 116).

Working in student conduct it becomes easy to become complacent as a conduct officer. Hearing similar circumstances to similar cases every day can be emotionally and mentally draining. With that it is important to view conduct work instead of in a “task-oriented” manner and focusing on the black and white, focusing on the facts, asking yes or no questions and sticking to an assigned script but allowing for flexibility in the process and a real openness to have a genuine and authentic conversation with students, building rapport and creating an environment that encourages students to have a substantial conversation about the situation, their decisions and actions in the situation and what learning opportunities they gained from the experience (Mantolesky, 2021, p. 1). In a dissertation study, Mantolesky examines the type of training that conduct officers receive, noting that there is no set standard or curriculum teaching a conduct officer how to effectively connect with a student. Mantoelsky says that most conduct training sessions teach conduct officers how to implement the hearing and utilizing the associated resources necessary to conduct the hearing such as Maxient, but not an actual philosophical discussion on why and how to create educational opportunities in conduct. A type of training like this could revolutionize the conduct process and is needed to maximize the potential impact of the conduct process.

Inclusivity in Education

Having examined the history of higher education and student affairs and how that led to the need of a curricular approach versus traditional programming models and having learned about student conduct and the “best practices” in the field on how to address decision-making for students, the last section of this literature review revolves around inclusivity. Creating a classroom environment where everyone can feel connected and valued is extremely important because it allows people to feel confident in the material they are learning and will encourage them to engage in the material, in the discussion and in the experience.

Inclusivity is important, but the problem with being inclusive is there are many different characteristics that go into inclusivity. There are physical disabilities, cognitive disabilities, and even invisible disabilities that affect people. Christina Irene is an educator, advocate and survivor of osteoarthritis and fibromyalgia (an invisible/hidden disability). Irene has made it her goal in life to travel around speaking about the effects of hidden disabilities on people. In her book *Talking Splat: Communication about Hidden Disabilities*, Irene came up with a definition of “hidden disability” saying, “Hidden disabilities are conditions that include cognitive difficulties, mental health disorders, learning differences, physical pain, fatigue or other physical conditions that are not apparent to the onlooker but significantly impact one’s daily activities” (Irene, 2019, p. 2). Irene gives a unique system to help people with hidden disabilities get through the rough times, but the most important aspect of all of this is communication. Irene says it is vital for people with a hidden disability to be able to communicate and advocate for themselves but also encourages supervisors, co-workers, and educators to recognize and understand that having a hidden disability is like a moving target as every day is different as symptoms vary from day to day.

Universal Design

Keeping an open mind and being flexible to the needs of students is extremely important. Every student is different, and every student learns differently. There is a lot of information out there regarding what works best for students, but there is a major push for Universal Design in Education (UDE). Universal Design is not a new concept, but it is relatively new to the world of Education (Burgstahler, 2009, p. 1). Having found its origins in architecture, Ronald Mace, created Universal Design as a solution to create spaces that were universally designed to meet all varieties of people who might utilize the space regardless of any characteristics that the person might have. Having created the definition for Universal Design, “the design of products and environments to be usable to the greatest extent possible by people of all ages and abilities” (as quoted by Story, Mueller, & Mace in Burgstahler, 2009, p. 1). Mace and The Center for Universal Design at North Carolina State University developed seven principles to guide the theory of universal design. These principles include equitable use, flexibility in use, simple and intuitive, perceptible information, low physical effort and size and space for approach and use (as cited in Burgstahler, 2009, p. 1-2).

Universal Design in Learning (UDL)

The principles of Universal Design were then taken and applied to the educational realm and not only focused on the physical spaces where education occurs but also in technology, in curriculum, and pedagogy (Burgstahler, 2009, p. 2). The Center for Applied Special Technology (CAST) has developed a system to focus on Universal Design for Learning. As Burgstahler notes, Universal Design for Learning (ULD) is a “research-based set of principles that together form a practical framework for using technology to maximize learning opportunities for every student

(Rose and Myer, 2002 Preface as quoted by Burgsthaler, 2009, p. 3). The concepts for UDL include establishing multiple means of representation, expression and engagement (Burgsthaler, 2009, p. 3).

In 1997, the US Department of Education conducted a conference where researchers were asked what the best ways are to incorporate UDL into the curriculum. The notes stated that publishers and teachers have a responsibility for creating and selecting instructional material that would be supportive of all students regardless of their abilities (Orkwis & McLane, 1998 as quoted by Burgsthaler, 2009, p. 3). The researchers suggested that all materials should include text and captions for all audio and video formats, provide relevant descriptions for all images, summarize key concepts and offer sequenced learning opportunities, be explicit in all learning strategies, assessment, criteria, and assessment prior knowledge (Orkwis & McLane, 1998 as quoted by Burgsthaler, 2009, p. 3).

Burgsthaler notes that UDL can be incorporated into all aspects of education such as class climate, delivery methods, technology, assessment, accommodation, events, physical environments and products and instructor/student interactions (Burgsthaler, 2009, p. 3). Frank Bowe, in his work *Universal Design in Education: Teaching Nontraditional Students*, develops multiple ways to apply Universal Design in the classroom. Bowe similarly suggest what Burgsthaler, Orkwis & McLane suggest by suggesting that educators must present information utilizing many different ways to engage students written, audio, visual but allows students to access the material in ways that the students can alter the material (change fonts, color, etc) (Bowe, 4). Bowe also suggests that educators should create environments where students can

interact with the materials in different ways through reading, watching, typing, gaming, working in groups, individual projects, online discussion groups, etc (Bowe, 2000, p. 4).

Burgsthaler offers many tangible ways to implement UDL in the classroom, but Bowe goes further to express how educators can make a difference beyond tangible and “physical” opportunities. Bowe suggests that educators need to be mindful of their own culture and how their culture could manifest itself in the way the material is taught as well as to recognize that all learners have different cultures, backgrounds, and experiences and those differences can greatly affect the way students “approach education” (Bowe, 2000, p. 5). This also includes the opportunity of translating texts into languages more comfortable for students to digest, reflecting that students might understand and engage with the text better if it comes from their primary language or a language, they are more familiar with (Bowe, 2000, p. 5).

According to CAST, Universal Design in Learning is important because it focuses on three distinct areas or centers of the brain, the “Why of Learning - Engagement,” the “What of Learning - Representation,” and the “How of Learning – Action and Expression” (CAST, 2018). In order to spark motivation and “recruit interest” educators should maximize “individual choice and autonomy,” minimize obstacles to learning, value authenticity in the learning, provide consistent feedback, and foster collaboration and community. When it comes to the “What of Learning” it is important to focus on the fact that all learners approach content differently and there are many factors that can contribute to this from “sensory disabilities, learning disabilities, language or cultural differences” (Cast, 2018). Ways to meet these needs are to offer different options for audio/visual learners, different ways to display information, clarify syntax and vocabulary, support the use of learning through different languages,

assessing background knowledge and information and utilizing multiple media opportunities to display and promote content (CAST, 2018). When it comes to the “How of Learning” it is important to recognize that many obstacles can arise with learners such as learners who struggle with “executive function disorders” and “movement impairments.” CAST suggests varying the different methods that students can respond and navigate the material, utilize assistive technology, create sequenced learning opportunities, offer multiple opportunities for construction and composition of coursework, support planning and organizational development and goal-setting and enhance opportunities for monitoring and assessment of progress (CAST, 2018).

In a 2018 study conducted on Universal Design in Learning, the study concluded that implementing UDL principles in the classroom are effective in facilitating and improving student learning (Seok et al, 174). The study looked at 102 examples and identified 17 that met the criteria to be included in Universal Design in Learning ideologies. The research showed that 15 of the 17 programs that utilized UDL principles were effective in promoting learning.

Furthermore the research showed that it is important to incorporate professional development into the program to teach educators about Universal Design, student learning and disabilities (Seok, et al, 183). If implementation of UDL principles can help facilitate student learning, incorporating these principles into a decision-making workshop could help facilitate the outcomes-based learning that is being established through the curricular approach.

Furthermore, as Mantolesky noted and as seen in this study, establishing proper professional development trainings focusing on conduct can be very helpful for the process. No conduct process, sanction, hearing, etc. is a one-size fits all situation. Training professionals and using

UDL principles can ensure that the field is actively adjusting to meet the needs of various different student learners.

The Future of Conduct

After careful review of the literature, it is evident why the need for conduct officers and the student affairs profession arose. Someone needed to watch after student conduct and in the light of faculty no longer interested in that prospect, educators needed to step forward to meet this need. A need for better professional development for student conduct officers are needed to better teach conduct officers how to create an environment that is unbiased and welcoming for students. An all-in traditional and chaotic approach to conduct programming needs to be reviewed and re-created through a curricular approach that puts students as the learner at the center of the process. And all conduct processes need to be examined through at Universal Design of Learning approach to ensure that every student participating in the process feels welcomed, included, and a part of the environment so that they can reach their maximum potential for learning and growth.

From a social justice lens, if we want our students to succeed we have to use an approach that holistically develops them throughout all aspects of the educational process and conduct is an amazing opportunity to have meaningful and engaging conversations about student behavior, student decision-making, taking responsibility for actions, and repairing the harm done to the community through a restorative framework.

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