

## Student Conduct

Student conduct has been a major influence on college campuses over the years. As

Geiger made note multiple times, 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 (Waylord and Lancaster, 1).

The goal of student conduct is to “promote growth and development in students while protecting the interests of the larger campus community” (Author, 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” (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 and Maatman, 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

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different decisions to avoid violating the code of conduct (18). There are many pieces that go through a student's mind when they are making a decision. Having a conversation with a student about ethics and decision-making 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 (as cited in Pavela, 107-110).

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### 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. Most of this development happens during college (Lopez-Phillips and Trageser, 120). Moral development to Kohlberg was, "representing the transformations that occur in a person's form or structure of thought with regard to what is viewed as right or necessary" (Kohlberg & Hersh, 1977, p.54 as cited by Evans, Forney, & Guido-DiBrito, 1998, p. 173 as cited by Lopez-Phillips and Trageser, 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, 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, 130).

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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, 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, 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 (123).

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### 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, 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.

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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 and Maatman, 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, 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” (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

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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 (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, 1). In a dissertation study, Mantolesky studies 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. Add a “so what” that summarizes what all the above mean together with respect to your study, in a few sentences.

### 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

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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.

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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 , 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.

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### 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, 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, 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, 1-2).

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### **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, 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, 3). The concepts for UDL include establishing multiple means of representation, expression and engagement (Burgsthaler, 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, 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 (Orkis & McLane, 1998 as quoted by Burgsthaler, 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 (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 suggests 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,

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individual projects, online discussion groups, etc (Bowe, 4). \*\*\*INSERT SOMETHING HERE ABOUT LEARNING-CENTERED IDEOLOGIES\*\*\*

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, 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, 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).

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

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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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Extended Research:

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\*\*\*Universal Design has some features of Learner-Centered Ideology as well as Culturally Responsive Teaching.