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The Effectiveness of Catholic College and University  
Student Discipline/Judicial Processes as Measured by the Recidivism Rate

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Presented in partial fulfillment of the requirements

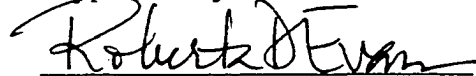
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Chair



Dean, Graduate School

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**The Effectiveness of Catholic College and University Student Discipline/Judicial Processes as Measured by Rate of Recidivism**

Adviser: Dr. Roberta D. Evans



This descriptive study was to ascertain, investigate, and compare the effectiveness of administrative, minority-peer, and majority-peer discipline/judicial processes on selected Catholic campuses in the United States. Effectiveness was measured by the rate of recidivism; the process with fewest repeat offenses was deemed most effective.

The purposeful sample of 30 Catholic co-ed campuses was delineated to those using both peer and administrative processes, housing on campus, and databases allowing them the ability to identify repeat offenders.

The null hypothesis that was tested via the data was that there is no important or statistically reliable difference in the average rate of recidivism among the three discipline/judicial processes. Chi-square analyzed data garnered through survey to determine Goodness-of-fit for the relationship between the independent variable (discipline/judicial process at three levels), and the dependent variable (rate of recidivism). The average percentage of repeats per process met the *a priori* experimental difference from 5% to 8%, indicating a practical importance to practitioners. Results for the sample failed to meet the alpha level of .05 set *a priori* for consistency with a  $p=.095$ . Chi-square Goodness-of-fit deemed that the average percentages of repeat for administrative and minority-peer discipline/judicial processes in the larger institutions were statistically identical causing the probability of the sample to be less consistent than the .05 alpha set *a priori*. The results were deemed more consistent by the analysis than by the .05 alpha level.

Minority-peer processes emerged from the findings as the most effective; campuses utilizing this process could expect to experience 9% less repeats. Eighty-five percent of student affairs professionals surveyed erroneously perceived other processes as the most effective. Despite the best efforts of Student Affairs Professionals, there exists a recidivism rate ranging from 19% to 35% for discipline/judicial processes now utilized in Catholic university and college campuses. Neither administrators nor peers are as effective reducing the percentage of repeats when functioning alone as they are when meeting together.



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## Chapter One

### Introduction

Colleges and universities traditionally have been considered safe and hospitable havens for young adults (Amada, 1994). As prevalent as that perception is, campuses are not idyllic oases isolated and apart from the culture, but instead reflect the dysfunction and social pressures present in the larger society. In fact, colleges and universities are but a microcosm of the larger culture within which they exist.

During the twentieth century, the frequency and seriousness of disruptive behaviors on college and university campuses increased and overwhelmed the structures that contemporary institutions of higher education have in place to address these incidents (Amada, 1994). As Carmody (1999) asserted:

We are seeing more aberrant and seriously disruptive behavior on campus.

And I am persuaded that there are more people with problems out there that need the help of the institution. It has to do with dysfunctional families, the upwardly mobile pressures of the last decade, stress from academic programs and the impact of substance abuse on a wide scale. (p. 7)

Students who do not take responsibility for their actions are also influencing college and university discipline/judicial environments (Gehring, 1999).

Higher education discipline/judicial processes help to maintain the campus environment by addressing unacceptable student behaviors. The effectiveness of student discipline/judicial processes is a question that campuses must confront.

### Statement of the Problem

Contemporary researchers have debated whether the purpose of judicial affairs is merely discipline or is its purpose an attempt at a proactive collaboration among campus units to build a cohesive community. Student judicial affairs professionals strive to balance the educational aspects of student discipline with the expectations of internal and external publics. Those various influences include college presidents, faculty, staff, students, surrounding community, parents and attorneys—all with different perceptions of what should occur in a discipline hearing. As Gary Pavela (1985), Director of Judicial Programs at the University of Maryland-College Park, has indicated “To hold a student accountable is to affirm their dignity. In reality, if the discipline is successful, then the student has regained self-control and remains in the college/[university] and the college has one less disruptive student” (p. 47).

Don Gehring (1992), the first president of the Association for Student Judicial Affairs, coined the phrase “besieged clan” to describe student discipline/judicial officers. He asserted that these officers feel bombarded from all sides when an allegation of disruptive behavior occurs. Internal and external publics can have a skewed understanding of an incident of disruptive behavior and the subsequent discipline process because of the confidentiality standards that must be maintained. To one who is not aware of all the facts through direct involvement the discipline/judicial process may appear to be arbitrary, unfair, or inadequate.

Disciplining disruptive students serves the best interests of both the disruptive student and the college or university (Pavela, 1985). Administrative, majority-peer, and minority-peer discipline/judicial processes are generally codified to address disruptive behaviors on the nation's college and university campuses. These are the very structures that are overwhelmed by the increase of disruptive behaviors by students. Thus, as disruptive behaviors continue to increase on campuses, it is imperative that campus discipline/judicial processes are able to effectively address even more complex, serious, and complicated behaviors. Further, if a specific type of discipline/judicial process is found to offer a more effective avenue for realizing a positive result from the discipline, then colleges and universities must pursue greater utilization of that discipline/judicial process.

#### Purpose of the Study

The purpose of this descriptive study is to ascertain, evaluate, and compare the effectiveness of administrative discipline/judicial processes, majority-peer discipline/judicial processes, and minority-peer discipline/judicial processes on selected Catholic college and university campuses. The effectiveness of these three discipline/judicial processes will be measured by the rate of recidivism. If one process shows fewer repeat offenders, it will be deemed more effective.

Ascertaining whether a particular discipline/judicial process can influence the student's propensity to change an unacceptable behavior, would be invaluable to colleges and universities as they seek to refine their processes. If Catholic colleges and universities believe that the utilization of a particular discipline/judicial process



will lead to fewer offenses, they may use that process to address discipline and reduce the number of repeat offenses.

### Variables in the Study

The independent variable in this study is the discipline/judicial process with three levels: administrative, majority-peer, and minority-peer. The dependent variable is the effectiveness of each process as measured by the recidivism rate. If a particular discipline/judicial process positively influences a student to not repeat disruptive behavior, colleges and universities may convert to that more effective process (the process that shows fewer repeat offenses).

### Research Questions

The following questions will serve as a foundation for this investigation:

1. How does the rate of recidivism of student disciplinary cases compare among the three processes of adjudication (administrative, majority-peer, minority-peer)?
2. What is the total number of student conduct code violations on campuses of Catholic higher education institutions for each of the academic years targeted?
3. How many of those students' conduct code violations were heard or adjudicated in administrative, majority-peer, and minority-peer discipline/judicial process?

Each of these questions will be investigated utilizing the hypothesis discussed in Chapter Three.

### Definitions of Terms

For the purposes of this study, the following definitions will apply:

Adjudication. These are processes by which disciplinary matters are resolved within post-secondary institutions (Fitch, 1997). These processes include a hearing to provide an opportunity for the accused to be heard regarding the charges or allegations (Stevens, 1999).

Administrative Discipline/Judicial Process. Sometimes referred to as a “hearing body” or board and means any person authorized by the college or university to determine if a violation of a code of conduct occurred and to recommend imposition of sanctions (Paterson & Kibler, 1998). He or she adjudicates incidents of disruptive behavior by students and imposes sanctions if the individual is found culpable of the violation. The Federal Courts General Order of 1968 specifies that this system is not charged with adjudicating or prosecuting crimes.

Code of Student Conduct. An established set of procedures and parameters that governs student conduct, informs the college or university members of acceptable behavior parameters, and reflects the mission of the institution. The courts have ruled that a college or university . . . “had to promulgate rules describing such misconduct to avoid punishing students on the basis of unconstitutionally vague, overbroad criteria” (Soglin v. Kauffman, 418 F. 2d 163, 7<sup>th</sup> Cir. 1968).

College or University Mission Statement. This statement of purpose guides members of the community in meeting certain goals and objectives when involved with that institution.

Core Values. These values are the lynchpins that maintain American society, protect minority members, and undergird individual rights. Core American ideals including democratic political institutions, legal concepts of the constitution and the Bill of Rights, and the notion of social and religious tolerance (Etzioni, 1993, p. 157).

Dean of Men. This person was charged with oversight of activities of students outside the classroom. Additional responsibilities included enforcing community standards and facilitating discipline. This position emerged in the early twentieth century and was initially staffed from the ranks of the faculty.

Dean of Women. This person was charged with oversight of activities of students outside the classroom. Additional responsibilities included enforcing community standards and facilitating discipline. This position emerged in the early twentieth century and was initially staffed from the ranks of the faculty.

Dean of Students. This senior officer within an institution is responsible for all services to students outside the classroom. Examples of other titles these individuals may hold are Vice President for Student Affairs, Dean for Development, Dean of Men, Dean of Women, Dean of Student Life.

Discipline/Judicial Officer or Advisor. This individual is designated on the college or university campus to determine if a violation of a student code of conduct occurred and to impose sanctions upon students found culpable of the violations (Paterson & Kibler, 1998).

Disciplinary Sanction(s). This set of specific penalties is imposed for particular acts of disruption including but not limited to: administrative warning, restriction of privileges, probation, suspension or dismissal from the residence halls, and suspension or dismissal from the college or university. This codified set of disciplinary sanctions will be commensurate with the seriousness of each act of disruption and is influenced by previous discipline that has been imposed on the student. This set of penalties imposed for the reasons of deterrence and retribution focuses upon the community and the individual (Pavela, 1995).

Disruptive Behavior or Disruptive Incident. Also may be called unacceptable behavior, this concept applies to behavior that persistently or grossly interferes with the academic or administrative activities on campus. The behavior is a violation of and in conflict with the expectations of the Code of Student Conduct, and actively hampers the ability of others on the campus to learn and/or teach. Extreme forms of this behavior may threaten or endanger the physical safety of students, faculty, and staff (Amada, 1993).

Dysfunctional Family. In structure-function analysis, society is viewed as a dynamic system of interconnected parts. Leslie (1979) in The Family in Social Context defined dysfunctional as:

An analysis of a system must consider the consequences of each part of the system for every other part and for the system as a whole. Function is used to refer to such consequences. The term dysfunction refers to negative consequences—to situations in which the effect of one part of the system on

other parts is harmful to the system. Applying this to a family the effect of one part of the family is either harmful to another part of the family or to society as a whole. (p. 216)

*Ex Corde Ecclesiae*. This Catholic document was written by Pope John Paul II in 1990, defining what the Church deems is the essence of a Catholic college or university.

Incident. For the purposes of this study, an incident refers to one student's disruptive behavior. This is a concept that applies to disruptive behavior which persistently or grossly interferes with the academic or administrative activities on campus. It is a violation of the code of student conduct that ordinarily actively hampers the ability of others on the campus to learn and/or teach. Extreme forms of this behavior may threaten or endanger the physical safety of students, faculty, and staff (Amada, 1993).

Majority-Peer Discipline/Judicial Processes. This "judicial body" or hearing board is composed of faculty and/or staff and fifty percent or more students. Colleges or universities utilize this venue to enable students to help enforce community standards. The college or university must first authorize this type of hearing board. The board is charged with the responsibility of determining if the code of student conduct was violated and then recommending imposition of sanctions if the individual is found culpable of the violation (Paterson & Kibler, 1998). This system is not charged with adjudicating or prosecuting crimes (Federal

Courts, General Order, 1968), although in an individual case a student may face concurrent criminal charges.

Minority-Peer Discipline/Judicial Processes. This “judicial body” or hearing board is composed of faculty and/or staff and less than fifty-percent students. Colleges or universities utilize these processes to enable faculty, staff, and students to contribute to enforcing community standards. A college or university must first authorize this type of hearing board. Then the board is given the responsibility to determine if a code of student conduct was violated and also to recommend imposition of sanctions if the individual is found culpable of the violation (Paterson & Kibler, 1998). This system is not charged with adjudicating or prosecuting crimes (Federal Courts, General Order, 1968), although in an individual case a student may face concurrent criminal charges.

Preponderance Standard of Evidence. This is the rule of evidence often adopted for discipline/judicial processes on campuses. This standard of proof requires that the evidence presented weigh more heavily either to support the charges, or not to support the charges against the accused (Stevens, 1999).

Probation. This is a written reprimand for a violation of a specific community standard and during probation the student is not in good disciplinary standing with the college or university. Probation is for a specific period of time and includes the provision that more severe disciplinary sanctions will be imposed if the student is found culpable of another violation of community standards during the probation period (Paterson & Kibler, 1998).

Rate of Recidivism. This is the number of students who had a repeat offense per one hundred students during the designated time frame. This resulting percentage will account for proportionality among campuses and more accurately represent both large and small campus and their repeat offenses.

Sanctions. This set of specific penalties is imposed for particular acts of disruption. This codified set of disciplinary sanctions will be commensurate with the seriousness of each act of disruption. Punishment imposed for the reasons of deterrence and retribution which focuses upon the community and the individual (Pavela, 1995).

Senior Student Affairs Officer. This senior officer in an institution has the responsibility for oversight of all services to students outside the classroom. Examples of the title these individuals may hold are Vice President for Student Affairs, Dean of Students, Dean for Development, Dean of Men, Dean of Women, Dean of Student Life.

Substance Abuse. This term refers to “the use of illegal drugs or the excessive or inappropriate use of legal substances so as to produce physical, psychological, or social harm” (Levin, Mac Innis, Carroll, Bourne, 1983, p. 403).

Unacceptable Behavior. Also may be called disruptive behavior, this is a concept that applies to behavior which persistently or grossly interferes with the academic or administrative activities on campus. It is a violation of the code of student conduct that ordinarily actively hampers the ability of others on the campus

to learn and/or teach. Extreme forms of this behavior may threaten or endanger the physical safety of students, faculty, and staff (Amada, 1993).

### Limitations of the Study

The following limitations are inherent in this study:

1. Peer and administrative discipline/judicial processes from institution to institution may not be parallel.
2. There may be differences in record keeping from institution to institution; however, the multi-staged sampling procedure will mitigate this limitation
3. What might appear to be similar behaviors and events may have in fact a different level of importance in different institutional settings (Kuh & Whitt, 1988).

### Delimitations of the Study

This research will be delimited to the following:

1. At least 30 Catholic colleges and universities in the United States.
2. Traditional-age students enrolled in one of the selected Catholic colleges or universities.
3. Students living on or off campus at one of the selected Catholic colleges or universities.
4. Students who have had at least one incident of disruptive behavior referred to the campus discipline processes, during any of the academic years that the study encompasses, on one of the selected Catholic campuses.



5. The disruptive behaviors that are in the purview and jurisdiction of campus discipline/judicial processes.

#### Significance of the Study

There are 219 Catholic institutions of higher education in the United States which have a total of over 600,000 students enrolled (Rodenhouse, 2001). Incidents of disruptive behavior by college or university students are increasing (Amada, 1993). More recently, Julie Nicklin (2000) reported in The Chronicle of Higher Education that arrests on college campuses have increased dramatically in the most recent reporting year 1999 for drug and alcohol violations. The numbers of murders, forcible and non-forcible sex offenses, aggravated assaults, arson, and hate crimes have also increased but not as sharply as alcohol and drug arrests. Campus discipline/judicial processes now in place have become overwhelmed with the mere numbers of incidents. Dr. Linda Timm, Vice President for Student Affairs at Saint Mary's College in Notre Dame, Indiana indicated that there is an increasing need for additional information regarding the effectiveness of student discipline/judicial processes on college campuses, so as to address the evolving needs of the campus community (1999). However, to date there has been no comprehensive research investigating the effectiveness of university or college discipline/judicial processes.

Smith (1994) suggested that "historical development of disciplinary systems demonstrates--not just to the modern practitioner but to academe in general--that the monitoring and molding of student behavior are crucial components of American higher education" (p. 84). To date there has been no comprehensive empirical

research regarding the effectiveness of campus discipline/judicial processes. As disruptive behavioral problems increase, it is essential that campus administrators be informed about the most effective processes to address deviations from the set standards.

Fundamental questions confronting Catholic colleges and universities are: (a) What is the purpose of campus discipline/judicial processes? (b) What is the most effective way to address disruptive behavior? and (c) Is discipline a collaborative community effort? An increased understanding of these questions will enable institutions to address student disruptive behaviors more effectively. Campuses are looking for better ways to address behaviors that are out of sync with their community's expectations.

No functional area of the college or university should be exempt from public scrutiny. As Zacker (1996) indicated, public opinion of higher education is gradually decreasing and will continue unless concrete facts can be provided to justify the college and university's existence. To evaluate discipline/judicial processes provides an opportunity to share information among the campuses, thereby fostering greater equity across institutions. This research--comprehensive and national in its scope--will serve as the foundation for future discipline/judicial policy decisions on campuses across the United States. Indeed, it has long been established in higher education administration literature that unless campuses come to grips with addressing disruptive behaviors by college students, they will not be able to continue to create and maintain a safe and effective learning environment. Emmanuel and

Miser (1987) found this work crucial, concluding that “systematic and planned evaluation is essential to the profession to maintain credibility and integrity” (p.86).

## Chapter Two

### Review of the Related Literature

The review of the literature consists of selected studies and information relevant to the following areas: (a) discipline/judicial processes utilized on college campuses; (b) aspects of community building; (c) Catholic colleges and universities environs; (d) peers influencing peers; (e) private versus public campuses' discipline/judicial processes; and (f) administrative, majority-peer, minority-peer discipline/judicial processes on college and university campuses. The available literature that discusses disruptive behaviors on campuses focuses on characteristics exhibited by the disruptive student and on the elements of a code of student conduct. The following review will elaborate on the relevant literature which frames this study on the effectiveness of college and university discipline/judicial processes.

### Disruptive Behavior on College and University Campuses

A historic review of higher education reveals evidence that its institutions have been addressing forms of student behavior, including assaults, vandalism, alcohol abuse, riots, and even murder since the founding of Harvard in 1636 (Brubacher & Rudy, 1976). These examples further elucidate this fact: (a) Many riots occurred at the University of Virginia between 1820 to 1840 and one resulted in a professor being killed, (b) In 1841, at Yale University, students overcame firefighters and destroyed their equipment, and (c) In 1845, in the second Fireman's Riot at Yale, a student killed a firefighter (Brubacher & Rudy, 1976).

As Thomas Jefferson wrote in a letter to Thomas Cooper on November 2, 1822:

The article of discipline is the most difficult in American education.

Premature ideas of independence, too little repressed by parents, beget a spirit of insubordination, which is a great obstacle to science with us and a principle cause of its decay since the revolution. I look to it with dismay in our institution, as a breaker ahead, which I am far from being confident we shall be able to weather. (Jefferson, 1822)

Early discipline/judicial systems such as those at Harvard and Yale were influenced by the sectarian principles held by their founders. These influences created a strict environment with a minimum tolerance for misguided students (Rudolph, 1962). To illustrate this strictness Rudolph reported to the reader an incident of 1744: “Two students were expelled for attending a revival with their parents during a vacation break. This behavior was judged to be a direct violation of the law of God, colony, and college” (p. 17).

In the nineteenth century, sporadic incidents of disruption with tragic consequences did occur. At colonial colleges the trustees handled serious disciplinary matters while college presidents delegated less serious matters to faculty members (Amada, 1999). Rudolph (1962) stated that floggings were a standard form of discipline in the colonial colleges, and Dannells (1988) indicated that public confessions, ridicule, flogging, fines, and expulsion were common punishments for student offenders. Smith (1994) added that, “the impetus behind discipline during

this time was not educational or even corrective in nature. It was, rather, driven by the philosophy that students needed to be brought to moral submission” (p. 78).

Disciplining students has been difficult for campuses from their inceptions and their early discipline systems were punitive and simple in nature. Dannells (1997) noted:

Fearing the unbridled expression of natural depravity of their charges the early colonial colleges’ trustees, presidents, and faculties set about shaping the moral character and social manners of their students through long and detailed codes of conduct and rigid scheduling. (p. 3)

Brubaker and Rudy (1976) indicated that the pre-Civil War era was one “when constant warfare raged between the faculty and students, when government at best was nothing but a paternal despotism, when most outrageous pranks and disturbances were provoked by undisciplined and incredibly bold young men” (p. 50).

The nineteenth century also ushered in the early vestiges of the concept of a college dean Smith (1994) reported this was “one of the steps toward creating a true ‘system’ of student discipline” (p. 81). However, the twentieth century saw the true emergence of deans of men and deans of women on college campuses. As these deans emerged so did a holistic and more humanistic approach that emphasized self-control and characterized a new disciplinary philosophy. Dannells (1997) said:

The early deans expanded on both the philosophy and practice of student discipline. Philosophically they were humanistic, optimistic, and idealistic.

They approached discipline within the ultimate goal of student self-control or self-discipline, and they used individualized and preventative methods in an effort to foster the development of the whole student. (p. 8)

Additional major influences to campus discipline/judicial processes in the 1960's and 1970's occurred when courts started intervening in campus discipline and student demonstrations prompted the push for student rights. This championing of student rights and the increased belief in a holistic approach to discipline forced colleges and universities to adopt new and more enlightened guidelines and policies for student discipline (Amada, 1994).

At the end of the twentieth century there was an increase in both the seriousness and the number of incidents on college campuses. The reasons Carmody (1990) has posited for this phenomenon include the upward mobility of the last decade, increasing stress created by the demands of academic programs, the increased number of students coming from dysfunctional families, and the impact of substance abuse. Amada (1994) agreed with Carmody as to the causes for this increase in disruptive behavior but also included economic conditions as an additional factor. Amada stated:

These economic conditions are such that students must hold a job to sustain themselves while in college; students choose a course of study based on future job prospects rather than interests or aptitude; and students see bleak prospects for their future as the future is portrayed in the media. (p. 3)

Amada (1994) also indicated:

Students are becoming more disrespectful of institutional authority; exhibiting a flagrant willingness to flaunt college rules and regulations; and, are participating in menacing behaviors toward college [faculty] and staff in attempt to gratify their own wishes. There is unanimity among college and university administrators that college and university judicial and disciplinary procedures must undergo review in order to maximize effectiveness in dealing with student misconduct. (p. 2)

The dynamic nature of the campus environment causes administrators to be constantly proactive, reactive, or remedial in the approaches to discipline. During the early part of the twentieth century, the concept of *in loco parentis* was utilized when defining the relationship of the student and the institution, and the courts essentially viewed the college or university as filling in for the parents (Barr, 2000). Paterson and Kibler (1998) asserted that “with the commotion of the sixties campus administrators and the courts moved away from the concept of *in loco parentis*” (p. 12). They further stated that the courts essentially now viewed the relationship between the students and the institutions as contractual. The institution entered into the contract providing students with certain services in exchange for certain fees and obeying certain rules (Paterson & Kibler, 1998).

More recently the courts have been mixed in their interpretation of this relationship between students and the institution. The concepts they constantly struggle with are these: (a) Can educators really stand in for parents? and, (b) Are undergraduates really adults (Barr, 2000)? The additions of new federal statutes



have caused institutions to rethink their reluctance to address disruptive student behaviors. As Pavela (1992) emphasized, “The increased obligations these statutes impose require the campus administrators to provide not only a safe campus environment, but also one which will promote moral development of their students” (p. 45).

One of the statutes that campuses are required to comply with was enacted by congress in 1990 and is called The Student Right to Know and Campus Security Act. Congress created this legislation out of a concern in the United States that campus crime was on the increase and that victims of crimes of violence and sexual assault, in particular, were not being adequately supported or kept informed (Paterson & Kibler, 1998). Bennett (1995) purported:

The Student Right to Know and Campus Security Act, was passed in 1990 because of the concern that campus crimes were on the increase... and that victims were not adequately supported and kept informed, and that campus officials were using campus conduct code systems to hide crimes. (p. 60)

The Student Right to Know and Campus Security Act requires campuses to publish statistics for incidents that the government defines to be crimes. The list they require to be published as crimes is a very small percentage of the disruptive behaviors that occur on campuses and can give the public a false impression of the safety of a particular campus. However, faced with federal and/or state regulations, higher education institutions have been forced to respond directly to some specific safety areas or suffer substantial penalties. Although the requirement of this legislation

does little to illuminate the comprehensive picture of campus disruptive behaviors, it is a beginning in this disclosure. Quite possibly with prodding from the federal government, as well as the increased numbers and seriousness of incidents, educators and administrators may be prompted to address campus disruptive behaviors more effectively. In addition, these professionals may be prompted to communicate clearly the behavioral difficulties they encounter.

Fr. Joseph Heft (1993), a noted Catholic educator, was in agreement with Pavela when he wrote, "Educators have begun to realize that educational efforts must include some type of treatment of responsibilities, both their own and those of the students; educators are, in other words, reconsidering the need for moral development" (p. 6).

Pavela (1985) suggested:

Articulating and enforcing moral values . . . at least encourages moral thinking. [He asserts the possibility that] . . . we may have a generation of students without direction because we have had a timid generation of educators, who have lacked the courage to confront students about ethical dimensions of their behavior. (p. 46)

#### Building Community on College and University Campuses

Americans are increasingly feeling a loss of social connection and are anxious to re-create a sense of community (Pavela, 1996). The college and university populations are no different and are also longing for this sense of belonging (Levine & Cureton, 1998). Communities, as defined by futurist Charles

Handy (1994), are places that serve “as a focus of our identity and our way of connecting with society”(p. 264). Therefore, it is incumbent that colleges and universities make efforts to create a sense of community. Through purposeful design of more opportunities that allow members of the community to interact and socially connect, the institution begins to prompt community building. As Parks (1986) observed:

For the young adult, the mentoring era finds its most powerful form in a mentoring community. The emergence of the more critical and more autonomous self in no way means a shedding of the need for a network of belonging, quite the opposite is the case. (p. 10)

As Boyer (1990) concluded in the Carnegie Report, Campus Life: In Search of Community, the very basis for future improvement in our colleges and universities will be the creation of communities that are caring and purposeful, just and disciplined, and celebrative.

Fr. Heft (1993) elucidated the meaning of community:

The English word, community, derives from two different Latin words: the noun, *munus* meaning gift, and the verb *munio/munire* meaning to build.

Adding the prefix, *cum*, meaning with, indicates that community doesn't just happen. Rather community forms when people work together toward common goals and offer gifts to each other, or, more profoundly, give themselves as gifts to others, in this very process of building community.

(p. 9)

Colleges and universities encompass many groups (faculty, staff, students, and administrators) with very diverse and competing value systems, creating a mosaic of organizational realities (Morgan, 1986). Although institutional culture is a source of security and continuity for its members (Kuh & Whitt, 1988), culture is constantly evolving and incorporating changes in values, beliefs, and attitudes of the external environment, as well as those of the institutional members (Morgan, 1986). The culture of the institution is probably invisible to its members as their shared values and beliefs become taken-for-granted threads of the fabric of their daily lives (Chaffee & Tierney, 1988; Morgan, 1986). The community embodies a “we-ness” however (Etzioni, 1993), that is indeed a part of its essence and it is a place where people know and take care of one another.

Etzioni (1993) indicated, “beyond language there is a more important matter of a set of shared core values...to aid mutual respect among the subgroups [in a society]” (p. 157). Etzioni (1993) elaborated, defining these core values:

Core values are those which need to be transmitted from generation to generation, contain moral substance that those with proper basic personality can learn to appreciate, adapt, and integrate into their lives: hard work pays, even in an unfair world; treat others with the same basic dignity with which you wish to be treated . . . you feel better when you do right than when you evade moral precepts. (p. 91)

Therefore, in colleges and universities, core values of a particular institution must be communicated from alumnae, faculty, staff and upperclassmen to the incoming new members of the community.

Earnest Boyer (1990) stated in the Carnegie Foundation Report, Campus Life: In Search of Community, “In a caring and purposeful community, students should make connections between what they learn and how they live” (p. 54). Student judicial affairs professionals are significant to the process of helping students make that connection. As the Association for Students Judicial Affairs (1998) stated, “It will take a purposeful and directed effort on the part of judicial affairs to make sure that learning and not legality is their highest priority of discipline” (p. 13). Caruso (1978) postured that “Goals for the discipline function have consistently emphasized the development of self-control, responsibility, and accountability in the student population through the use of a rehabilitative, educative approach” (p. 117). The discipline process must be seen as imposing educational and developmental punishment while prompting students to learn the reality of accountability.

Pavela (1985) said:

The belief that a just punishment can promote moral development of an offender is implicit in the concept of retribution . . . Retributive punishment affirms that there is a difference between right and wrong; that those who violate standards should be held accountable . . . (p. 47)

Thus, what the community believes when holding an individual accountable is that the individual has the capacity to change. Some disciplinary officers believe that

through the discipline process learning takes place for both the person who violated the standard of conduct and for those responsible for enforcing that standard.

Effective student judicial affairs administration is central to the task of building a just and disciplined community. Individual students are taught to accept obligations to be good citizens within the community. Programs and policies are created and designed to form a community where each individual is respected. As Boyer (1990) emphasized, in a just and disciplined community, the community systems must reflect just and fair measures. These measures, as Pavela (1985) indicated, are external forms of control that may help a disruptive student regain self-control.

Pavela (1985) discussed that the community can be both nurturing and challenging. He reiterated that school officials could properly impose sanctions for reasons of deterrence and retribution, therefore keeping the focus on community and the individual. He also said:

Punishment is designed to address the unfair advantage an individual acquired over those who adhered to the established behavioral standards; it teaches the student that self-control is a necessary part in living within a viable community; and ...encourages students to regard themselves as being responsible for their own actions. (p. 47)

Indeed, impartiality and fairness ensure the integrity of judicial affairs and support the goal of a just and fair community.

The emerging themes for judicial affairs when functioning in the campus community, as Pavela (1985) suggested, are that institutions have rights to establish standards of conduct for the community, have a right to determine when the standards have been violated, and then must hold students responsible for these violations. Additionally, he discussed that institutions have an obligation to provide safe, supportive environs where students can learn and develop, which include the responsibility to hold students accountable for violations of community standards.

Each institution has a responsibility to establish a community and convey to its constituents what is considered to be appropriate behavior within that community (Ardaiolo & Walker, 1987). Gallin (1990) purported that the methods to achieve a community are no longer just controlling behavior but rather are directed toward influencing a person's decision-making process. As Etzioni (1993) asserted:

The single most important factor that effects education from within the school is the experiences that the school generates. Students are not having the experiences in schools to support sound character formation or moral education. Schools are generally where this nation needs to begin to create environments where self-discipline is evolving. The classrooms have in recent years taught students a 'highly cognitive' process of moral reasoning, however, value internalization hasn't been addressed. When the schools begin again to promote the internalization of values and adherence to behavioral standards they will again become major foundations of the moral infrastructure of our communities. (p. 115)

Colleges and universities must also create a celebrative community (Boyer, 1990) to evoke joy as their members work together in this collaborative effort to develop and learn. As Etzioni (1993) theorized:

Communities speak to us in moral voices and lay claim on their members. The moral voice does not merely censure; it also blesses. We appreciate praise, recognize, celebrate, and toast those in their communities, from volunteer firefighters to organizers of the neighborhood crime watches. It is these positive, fostering, and encouraging yet effective moral voices we no longer hear with sufficient clarity and conviction in many areas of our lives. (p. 34)

Rituals naturally create time for coming together and therefore tend to help solidify the members of organizations. Colleges and universities, by establishing rituals in which all members of the community participate, would reaffirm their commitment to community.

An institution's culture is unique and holistic, composed of subjective values, assumptions and beliefs, and therefore the meanings of institutional behavior and events cannot be interpreted or understood outside the context in which they occurred (Kuh, Shuh & Whitt, 1991). Kuh, Shuh, and Whitt also declared that what is effective in one culture may not be effective in another; the mission of the institution that encompasses the values and standards of the community also influences the culture that is formed.



### Catholic Colleges and Universities in the United States

Catholic colleges and universities have been a part of the American educational system since the establishment in 1786 of Georgetown University (College) in Washington D. C. (formerly Georgetown, Maryland). All these institutions as O'Brien (1994) stated are committed to, "service to church and society by thinking and teaching about discipleship and citizenship [which] sets the terms for understanding the purpose of the Catholic college and university" (p. 202). The trends that are generally seen in public higher education are also prevalent in Catholic colleges and universities. An increasing number of disruptive incidents as well as the increase of serious incidents is also a reality on Catholic campuses. As Gallin (1990) contended:

Incoming freshmen at Catholic colleges and universities do not differ from other college-age young adults. They, too, cheat, feel depressed and overwhelmed, abuse alcohol, and get bored by classes. Yet they also feel that college will increase their earning power as well as give them opportunities to learn. (p. 3)

The backgrounds of students attending Catholic colleges and universities became more diversified throughout the 1980's, creating a need for internal change as previous assumptions no longer held true (O'Brien, 1994). Today it is becoming increasingly difficult to address contemporary issues with structures that are overwhelmed. Administrators and the students on Catholic campuses must reevaluate their responsibilities to address serious behavioral issues and to create a

climate that encourages, supports, and teaches moral development. Heft (1993) observed:

When an educational community realizes that there is something that transcends its immediate concerns with the discovery and transmission of knowledge, something that requires it to ask the very purpose of learning, then the community brings together the head and the heart. (p. 7)

The very essence of Catholic education and this concept is more completely expressed by Pope Paul II in *Ex Corde Ecclesiae* (1990):

A Catholic university pursues its objectives through its formation of an authentic human community animated by the spirit of Christ . . . : It assists each member to achieve wholeness as human persons. This document continues, . . . in turn, everyone in the community helps in promoting unity, and each one, according to his or her role and capacity contributes toward the decisions which effect the community. (p. 19)

The Application of *Ex Corde Ecclesiae* for the United States (2000) enumerated:

. . . with due regard for the principles of religious liberty and freedom of conscience, students should have the opportunity to be educated in the Church's moral and religious principles and social teachings and to participate in the life of faith . . . Catholic students should have a right to receive instructions in authentic Catholic doctrine and practice and should be able to experience opportunities where they can practice faith. The college and university should address intellectual and pastoral contributions to the

mission of communicating Gospel values, service to the poor, social justice initiatives, and ecumenical activities.

This direction from the Church authority is the very foundation from which Catholic institutions define their educational missions. Pope John Paul II sums up his support for Catholic Higher Education in this charge:

I turn to the whole Church, convinced that Catholic universities are essential to her growth and to the development of Christian culture and human progress. For this reason, the entire ecclesial community is invited to give its support to Catholic institutions of higher education and to assist them in their process of development and renewal . . . (p. 21)

Sister Alice Gallin (1990) articulated her concerns about Catholic higher education when she posited that “creating a community of learning where respect for self and others, acceptance of diversity of persons and cultures, a social consciousness and a climate for faith, freedom, and responsibility to prevail is not an easy task” (p. 3). She suggested that Catholic campuses are trying to communicate values that are in opposition to the contemporary values of society, thus making their task difficult. Catholic campus communities must transform and become more effective when facing these challenges in the future.

#### Peer Influences within the College and University Community

Gerald Amada (1993), a researcher at the City College of San Francisco and mental health professional with many years of experience believed that “Colleges by creating inimitably rich opportunities for students fostering their personal growth and

intellectual enlightenment may be creating the fertile ground for difficulties” (p. 3).

He elaborated further that the very type of environment that supports and prompts learning may also be an environment which supports and prompts disruption.

Amada indicated that a less obvious source of campus disruptive behavior is the unique nature of the culture of the college or university environment itself.

Students often mention relationships with other students as the high point of their undergraduate experience. They say that their peers influence them in ways that a faculty member or classes never could (Kuh, Schuh, Whitt & Associates, 1991). The peer culture or community also influences student behavior both positively and negatively. Trained student volunteers work with other students on campuses as peer educators, conveying information and facilitating discussion. For example Etzioni (1993) said,

Peer counseling can be quite effective in dealing with sexual harassment.

The very fact that people take on a role like that, political scientist Jane Mansbridge points out changes their behavior. They see themselves as entrusted with the community’s values and well being and often act accordingly. (p. 205)

### Discipline Processes Utilized on College and University Campuses

Campus judicial processes differ both in purpose and function from the criminal justice system. Campus processes are thought of as educational in nature and the criminal process is primarily described as punitive (Paterson & Kibler, 1998). Bakken (1968) echoed this philosophy when he said, “No discipline in college

should be administered as punishment to the individual. It should be administered to teach the individual and the student body that the rules and regulations of society must be obeyed” (p. 44). Caswell (1991) defined the reality of campus discipline proceedings when he said, “Most offenders in the university are not criminals by nature, but are adolescents who are testing their wings, and the university is the appropriate place for wing clipping” (p. 20).

Another difference in campus processes is that state and federal rules of evidence need not be followed in a campus judicial proceeding (*Esteban v. Central Missouri State College*, 1967). Also, the charges against a student need only be proven by substantial evidence (*Slaughter v. Brigham Young University*, 1975), or as on some campuses the preponderance standard, which means that it is more probable than not that the incident occurred as alleged (Paterson & Kibler, 1998). Finally, as Pavela (1985) suggested, it is important to keep the venue options flexible in campus discipline/judicial processes.

The premise upon which campus discipline/judicial systems are based is that they are the protectors of the academic community. Discipline/judicial systems do also differ, depending on whether the institution is public or private, but in either case protections afforded the accused party are far less comprehensive than those for the criminal system (Paterson & Kibler, 1998). In addition, the range of sanctions will be less severe for the student found culpable in a campus hearing and does not involve incarceration as in the criminal processes. The General Order of 1968 established that “the attempted analogy of student discipline to criminal proceeding

against adults and juveniles is not sound” (p. 41). Bakken (1968) also supported the difference between campus processes and the criminal processes when he noted that “because discipline is educational and not punitive, it should be administered by professional educators who have made this their specialty” (p. 44).

Mash (1971) indicated:

New York University School of Law studied student discipline and said that there are three reasons why a university must discipline: (a) to ensure the ability of a student to obtain a degree without discrimination, (b) to assure the generation and maintenance of an intellectual and educational atmosphere, and (c) to assure safety, welfare, and protection of all members of the university. (p. 10)

The American Association of University Presidents in their 1988 Joint Statement of Rights and Freedoms of Students specified, “Educational institutions have a duty and the corollary disciplinary powers to protect their educational purposes through the setting of standards of scholarship and conduct” (p. 144). The courts have also ruled that while a university has the power to punish misconduct, it has to promulgate rules describing such misconduct to avoid punishing students on the basis of unconstitutionally vague, overbroad criteria (*Soglin v. Kauffman*, 418 F. 2d 163 7<sup>th</sup> Cir, 1969).

The legal system is not inclined to test an institution’s decision in academic matters; and they have also shown hesitation to become involved in disciplinary sanctioning in reference to these academic matters. As Ardaiole (1983) contended,

“Discipline is a fundamental aspect of education, and the courts have been reluctant to enter this domain” (p. 18). According to Etzioni (1993):

To rebuild community we must draw on the people within the community . . . The more opportunities we provide for people to apply their civic commitment, the more powerful it will grow to be. The moral and social order will be carried by the community rather than just one part of it. (p. 160)

It is with this in mind that campuses call on the members of their community to participate in the discipline process. Students, staff, and faculty all become vital to fostering this “we-ness” as Etzioni, (1993) stated:

There is quite properly in any relationship or community some vague sense of reciprocity, of the need to contribute to a climate of mutuality. People help one another and sustain the spirit of community because they sense it is the right thing to do. (p. 145)

Smith (1994) believed that participation by students was short-lived:

Student self-government has generally been introduced by the faculty rather than the students themselves, and on the whole hasn’t been a general success. Students love novelties and when self-government has ceased to be novel, it has lost a share of its interest. (p. 82)

Smith concluded that the general thinking is student discipline should then be handled in a tiered system of student to dean or president. Most colleges and universities, in fact, do ascribe to the tiered system. There are a variety of ways that campuses utilize students, staff, and faculty in the discipline processes.

### Public Versus Private Campus Discipline/Judicial Processes

Discipline/judicial systems differ depending on whether the institution is public or private. The clear distinction that once existed to delineated public from private has been blurred by the effects of legislation such as Title IX and Title VII (Paterson & Kibler, 1998). Also, independents and public institutions are covered equally by legislation such as The Family Educational Rights and Privacy Act of 1974 (FERPA) (Dannells, 1997).

Public institutions generally are subject to the government entity that created them. Today's public institutions of higher education in the United States are prevented by the Fourteenth Amendment from engaging in activity that violates the federal Constitution (Kaplan & Lee, 1995). In addition, as Paterson and Kibler (1998) indicated, "Public institutions and their officers are subject to federal and state constitutions in the performance of their duties" (p. 46). The Fourteenth Amendment to the U. S Constitution provided that "No State shall . . . deprive any person of life, liberty, or property without due process of law" (U. S. Constitution XIV, 1). Since the landmark case Dixon v. Alabama Board of Education in 1961, the courts have required public institutions of higher learning to afford students due process before taking disciplinary action (Paterson & Kibler, 1998).

However, unlike the public institutions the court ruled in Trustees of Dartmouth College v. Woodward (1819), that private institutions may have their own charter of incorporation which the government cannot impair. The court later determined in Doe v. University of Michigan, 721 F. Supp. 852, 867 that private



universities were not required to ensure their students receive First Amendment freedoms. Paterson and Kibler (1998) contended that “only public schools or private schools that have the requisite amount of interaction with the state to constitute a ‘state action’ have been required to provide due process for their students” (p. 32). Therefore, private institutions that are not engaged in a “state action” do not fall under the Fourteenth Amendment and their relationship with their students was viewed by the law as contractual (Dannells, 1997). Private institutions have less restraints and more latitude in developing and promulgating their student disciplinary conduct codes and rules (Dannells, 1997). In addition, private institutions and their officers are not subject to federal and state constitutions in the performance of their duties simply because they are not agents of the government (Paterson & Kibler, 1998).

It has been argued that the law treats public and private institutions differently, and that these differences are critical to understanding how the law affects a college’s code of student conduct (Dannells, 1997). Public colleges and universities can establish and enforce codes of conduct if they do not violate the well-established principles of due process (Paterson & Kibler, 1998). Due process principles say that the rules of student conduct must be developed to foster discipline, maintain order, and be consistent with the institution’s lawful purpose and function (Dannells, 1997).

To ensure due process, the court in Soglin v. Kauffman, 418 F. 2d.163, 7<sup>th</sup> Cir. (1969) found that vague and overly broad rules were illegal. This court also

held that rules must be specific enough to give adequate notice of expected behaviors and to allow an individual enough information that he/she could prepare a defense against a specific charge. Dannells (1997) indicated that according to due process the code of student conduct must be written, composed of constitutionally fair and reasonable rules, available to all, not capricious or arbitrary, and must be applied equally.

The Fourth Amendment, with its due process proviso prohibited unreasonable searches and seizures of students (Gehring & Bracewell, 1992; Gibbs, 1992). Although due process was intended to ensure the students' constitutionally guaranteed rights, it also provided for public institutions to limit these rights if the limitation enabled the institution to function (Paterson & Kibler, 1998). However, even when limiting student rights, blanket prohibitions and restraints were still prohibited. Due process principles permitted institutions to limit students' guaranteed First Amendment rights of freedom of assembly and expression for compelling reasons, such as safety (Correnti, 1988; Pavela, 1985). Finally, a student's residence hall room may not be entered or examined, except to further the educational aims of the institution, which includes protection of the facilities (Buchanan, 1978; Correnti, 1988; Gehring & Bracewell, 1992; and Pavela, 1985).

Private institutions not engaged in state action do not fall under the Fourteenth Amendment and are not required by the Constitution to follow the due process principles when they establish and enforce codes of student conduct (Paterson & Kibler, 1998). Although private institutions are not bound by the

Fourteenth Amendment, Kaplin and Lee (1995) suggested that, “the principles of due process reflect the basic notions of fairness and may be a critical component of good administrative practice” (p. 459). They further stated that “administrators of private institutions may wish to use the principles of due process as policy guidelines in formulating their student conduct codes” (p. 459). Paterson and Kibler (1998) strongly suggested that “a private college or university should endeavor to ensure such protections if for no other reason than to assure the students of the institution’s good intentions” (p. 32). The courts have also suggested that private institutions use the principles of due process, observing that “It is a good idea for a school or college to grant as much due process as it thinks is allowable, given a balance between the circumstance, the educational mission of the school, and the rights of the students” (The Due Process Rights of Students in Public School or College Discipline Hearings, 48 ALA. LAW.144, 146, 1967).

#### Administrative Discipline/Judicial Processes

Administrative discipline/judicial processes utilize a person authorized by the college or university to determine whether a violation of a code of conduct occurred and then to recommend an imposition of sanctions where appropriate (Paterson & Kibler, 1998). This official adjudicates incidents of disruptive behavior by students and imposes sanctions if the individual is found culpable of the violation. This system is not charged with adjudicating or prosecuting crimes (Federal Courts, General Order, 1968), in fact if an incident is a crime it is also handled by the

criminal courts. Administrative discipline processes typically can hear all levels of violations.

Typically, in this type of discipline/judicial process, the alleged violator and the designated campus official are able to resolve reported incidents of misconduct, in a one-on-one setting. Using this approach the administrator is responsible for the investigation and processing of all alleged violations. The U. S. Court of Appeals asserted that this type of hearing was not preferable if the same person were responsible for both the investigation and the hearing. However, they said, "Nevertheless, the mere fact that the decision maker in a disciplinary hearing is also an administrative officer of the University does not in itself violate the dictates of due process" (U. S. Court of Appeals, Winnick & Manning, 1972, p. 549). Often, this type of process has been found to expedite the discipline/judicial process and to maximize the confidentiality of the proceedings (Fitch, 1997).

#### Majority-peer and Minority-peer Discipline/Judicial Processes

The American Bar Association and the American Association of University Presidents in a Joint Statement on Rights and Freedoms of Students endorsed student participation in disciplinary matters (1988). Ardaiole & Walker (1987) affirmed peer processes:

Peers will act in such a way that the integrity of the institutions will not be compromised and the student will be treated fairly. Peer review based models attempt to maximize educative aspects of community building by using the power of peers as change agents in the disciplinary setting. (p. 57)

Paterson and Kibler (1998) affirmed that student judicial programs should be used as part of the educational program for a college or university in order to assist students to becoming better citizens who abide by socially accepted standards of conduct than those expected of the general population. The Association for Student Judicial Affairs (1998) came to a similar conclusion when they reported, “An intended and beneficial result of the discipline process is that when students are involved in the development and enforcement of community standards they learn the responsibilities of citizenship” (p. 16).

These types of peer processes are utilized on college and university campuses and are often referred to as board hearings. Minority-peer discipline/judicial processes refer to a judicial body or hearing board. The minority-peer board typically consists of a cross-section of members from throughout the university or college. This board may consist of students, faculty, staff or any combination of the three (Cordner & Brooks, 1987). College or universities utilize this type of discipline process to enable students, faculty, and staff to collaborate in enforcing community standards. These hearing boards are authorized by the college or university to determine if a code of student conduct was violated and subsequently to recommend an imposition of sanctions if the individual is culpable of the violation (Paterson & Kibler, 1998). This system is not charged with adjudicating or prosecuting crimes (Federal Courts, General Order, 1968), however, if the incident is also a crime it will concurrently be handled by the criminal courts. Boards of this

type typically hear more serious cases and are empowered to impose the most serious sanctions of the college or university, including suspension or expulsion.

Majority-peer discipline/judicial processes refer to a “judicial body” or hearing board composed of faculty and/or staff and 50% or more students. Colleges and universities utilize this type of discipline process to enable students to help define and enforce community standards. These hearing boards are authorized by the college or university to determine if a code of student conduct was violated and also to recommend an imposition of sanctions if the individual is found to be culpable of the violation (Paterson & Kibler, 1998). This system is not charged with adjudicating or prosecuting crimes (Federal Courts, General Order, 1968) however, if the incident is also a crime it will concurrently be handled by the criminal courts. These hearing bodies typically hear cases that are considered less serious than those heard by minority-peer boards.

### Summary

The review of the related literature indicates that student disruptive behavior has been part of the college and university landscape since the origin of the first institution of higher education in America (Dannells, 1990). Various authors indicate that the number and seriousness of disruptive behaviors on campuses has been increasing during the twentieth century. There is evidence to suggest that the very structures in place on college campuses to address disruptive behaviors are increasingly becoming overwhelmed. Moreover, many analysts express a concern that students are becoming less respectful of authority and are therefore less apt to

take responsibility for their own actions. Catholic college and university campuses seem to be mirroring public institutions of higher education in terms of this phenomenon.

College students' feelings of an increasing loss of community and social connection reflect the general population at large (Levine & Cureton, 1998). College and university campuses must address this issue by re-creating community or bolstering that which is already in place. In order to encourage and support this end, as Boyer indicted in the Carnegie Foundation Report of 1990, the foundation for future improvement on our campuses will occur only when we create communities which are caring, purposeful, just, disciplined, and celebrative.

Student judicial affairs programs have long attempted to convey to students the importance of developing self-control, responsibility, and accountability through the rehabilitative and educative approach (Caruso, 1978). The consensus in the related literature is that when a society holds an individual accountable, it is signaling its belief that the individual has the capacity to change. In this way, the community is truly respecting the individual as a person of dignity.

It is troublesome that, in the words of Etzioni (1993) "positive, fostering, and encouraging yet effective moral voices are those we no longer hear with clarity" (p. 34). There is some discussion that because of administrators who were reticent to enforce codes of conduct in the last few decades, a number of campuses must today recreate their community expectations by establishing codes of conduct, setting guidelines to determine when those standards have been breached, and holding

students accountable. Only then will colleges and universities be able to provide safe and supportive environs wherein students can develop and learn.

There are three types of discipline/judicial processes available on college and university campuses. These are administrative, majority-peer, and minority-peer discipline/judicial processes. Offering choices of hearing processes to students is consistent with contemporary discipline/judicial philosophy regarding accountability and thereby furthers the educational benefit to all segments of the campus. A collaborative, inclusive approach to interactions with students, faculty and staff are deemed hallmarks of a true community response to disruptive behavior. As a result, representation of campus constituencies in the campus discipline/judicial processes is widely supported by the literature in the field of higher education.



## Chapter Three

### Methods and Procedures

#### Research Design

This study analyzed and compared administrative, minority-peer, and majority-peer student discipline/judicial processes on selected Catholic college campuses in the United States garnering results generalizable to coed Catholic campuses. The sample design for this study was a single-stage process, the preferred approach when direct access to the sources of data is possible (Creswell, 1994). This is a descriptive study of student discipline/judicial processes wherein their effectiveness was analyzed and compared. The independent variable was the discipline process having three levels (administrative, majority-peer, and minority-peer discipline/judicial processes). The rate of recidivism was the dependent variable.

#### Population and Sample

The population from which the sample was drawn is comprised of the 219 Catholic colleges and universities in the United States (Rodenhouse, 2000). The sample of  $n=30$  was comprised of randomly selected Catholic colleges and universities in the United States. To be included in the sample, campuses were required to meet these criteria: they must be coed institutions, have administrative, majority-peer, and minority-peer discipline/judicial processes, have on campus housing, and must have the ability to provide the appropriate breakdown of students

adjudicated. Schools were selected by utilizing a random table, and then were contacted by phone to ascertain if they met the critical criteria. The chief Student Affairs administrator was contacted to verify that the school met the aforementioned criteria. Then, after calling 125 randomly selected Catholic colleges and universities the first 30 schools that met the criteria and returned the complete survey were those selected for this purposeful sample. Drawn in this manner, this sample's findings are generalizable to co-ed Catholic college and universities in the United States.

### Hypothesis

This hypothesis was tested via the data:

$H_0$ : There is no important or statistically reliable difference in the average rate of recidivism among the three discipline/judicial processes.

### *A priori*

Statistical consistency was set at an alpha level of .05. A practical importance of the findings was determined by an experimental difference (ED) of five to eight cases per one hundred. This percentage was referred to as the rate of recidivism.

### Instrumentation

The survey for this study was a self-designed instrument. A survey is the preferred type of data collection procedure because it allows for identifying attributes of a diverse population in order to analyze, correlate, and compare variables (Fowler, 1998; Babbie, 1990; Sudman & Bradburn, 1986; and Fink & Kosecoff, 1985). All

information used in this analysis was derived from the returned questionnaire (Appendix A).

The survey consisted of seven questions eliciting general information about the selected campus and its discipline/judicial processes. In addition, there were three tables each with four factual questions asking for the number of cases of student disruptive behaviors which were adjudicated by the three campus discipline/judicial processes for each of three target years. Finally, there was a table to elucidate the authority of each of those campus discipline/judicial processes.

After the initial phone contact with the appropriate person in each of the designated schools and their agreement to complete the data a survey was sent by traditional mail with a cover letter reiterating the purpose of the research and the request for information. As Dillman (1978) suggests, a three stage follow-up sequence was planned.

However, it took more than a three stage follow-up to retrieve the needed data. The contact persons were asked to complete the information requested on the survey and mail it back in the return envelope, or to FAX the information. A follow-up phone call and a FAX with a copy of the survey were transmitted to those schools that had not yet returned the survey at the end of two weeks. This time lapse between the receipt of the hard copy by traditional mail and a follow-up phone call was not enough time for the contact to complete the data sought for the survey. However, the schools indicated that they would have the complete surveys returned as soon as possible with May 20, 2001 as a tentative deadline. After an additional

two-week period, a second follow-up phone contact preceded another survey sent by FAX to campuses not having yet responded. The entire time to conduct the transmission of the surveys took approximately eight-weeks.

### Procedures

A survey of Catholic colleges and universities in the United States targeting a sample of 30 responses sought disciplinary data over the course of three academic years to include: 1997-98, 1998-99, and 1999-2000. Gathering data for a three-year period would provide longitudinal information about discipline/judicial processes. Institutions were required to complete the data for 1999-2000 and to complete the other two years only if that data were available. The intent of this research was to discern if there were differences in the effectiveness of the campus discipline/judicial processes that adjudicate cases of student disruptive behaviors. This research measured effectiveness by comparing the rate of recidivism for each of the discipline/judicial processes.

The gatekeepers for this information were the Chief Student Affairs Officers and those administrators on campus who oversaw the discipline/judicial processes. This research study utilized aggregate numbers of all campus incidents not just those defined to be crimes for the Student Right to Know and Campus Security Act of 1990. Although this governmental data may help to further elucidate some of the behavioral situations on campuses, it only covers a very small number of behavioral incidents that campuses contend with yearly. Colleges and Universities are required to keep and publish on a yearly basis, statistics concerning specific campus

disruptive behaviors for compliance with the Student Right to Know and Campus Security Act of 1990. This government report covers only those behaviors that the government defines to be crimes.

#### Treatment of the Data

After the data was collected this study reported the means per hundred, standard deviations and ranges of observations for the variables. The frequency of recidivism is expressed as a rate per one hundred for each of the three discipline/judicial processes (administrative, minority-peer, majority-peer). The frequency of recidivism was analyzed to ascertain if the experimental rate differs from the rate that would occur by chance. The Chi-square Goodness-of-fit analysis was conducted to analyze the statistical difference, if any, between groups. The *p* value was compared to the *a priori* established alpha level of .05 to determine if the frequency of recidivism for the discipline/judicial processes differs reliably and was used to characterize the consistency of the findings.

The difference, if any, between frequencies of recidivism was calculated and compared to the level of practical importance. Practical importance was measured by the experimental difference and set *a priori* as an interval of five to eight cases per one hundred. The five to eight cases per one hundred was used with the lower percentage applied to larger schools and the higher percentage to smaller schools.

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## Chapter Four

### Results

#### Introduction

This study investigated the relationship between administrative, majority-peer, and minority-peer discipline/judicial processes at selected Catholic college and university campuses throughout the United States. Data were gathered, synthesized and analyzed for 30 Catholic higher education institutions in the United States. Descriptive data were derived to determine the characteristics of the sample and to more readily see similarities and differences. The effectiveness of the three discipline/judicial processes was evaluated by rate of recidivism or repeats per one hundred students for the three discipline/judicial processes.

This chapter will first discuss descriptive information, and computations derived from the sampling procedure. Next, it will detail the analyses of data garnered through surveys by referencing the hypothesis and research questions. Then, the chapter will report on an in-depth analysis of the same data by dividing the sample into three subgroups and focusing on the specific characteristics of each subgroup.

#### Analyses

The null hypothesis tested via the data asserted the following: There is no important or statistically reliable difference in the average rate of recidivism among the three discipline/judicial processes. Subsequently, the following research

questions guided the study and these analyses: (a) How does the rate of recidivism of student disciplinary cases compare among the three processes of adjudication (administrative, majority-peer, minority-peer)? (b) What is the total number of student conduct code violations on campuses of Catholic higher education institutions for each of the academic years targeted? and (c) How many students' conduct code violations were heard or adjudicated in administrative, majority-peer, and minority-peer discipline/judicial process?

The traditional-age undergraduate populations on these selected campuses in this study ranged from 232 to 9,190 students, with an mean number of students of 2,530 and a median number of students at 1,605. These campuses were co-ed, and utilized peer and administrative discipline/judicial processes to address disruptive and unacceptable behaviors. These institutions also had the capacity to identify repeat offenses. Finally, they maintained a residential campus population.

Information was gathered for the independent variable, the discipline/judicial processes for the three levels: administrative, majority-peer, and minority-peer. These data were then analyzed to see how the three discipline/judicial processes compared across the 30 institutions. Information was also accumulated and analyzed for the dependent variable, the average percentage of repeats (recidivism rate) for the discipline/judicial processes as a whole, as well as for each process individually.

The total number of incidents referred to all three discipline/judicial processes in 1999-2000 was 14,157. That total number of incidents translated to a

19% referral rate for the 75,907 traditional-age students in the institutions comprising the sample.

Chi-square was utilized to ascertain Goodness-of-fit of the total cases referred to the three discipline/judicial processes as shown in Table 1, resulting in a value of 144.74 at two degrees of freedom, and a probability  $p < .0001$ . In addition, Chi-square was also used to derive Goodness-of-fit for the percentage of total cases referred to each of the discipline/judicial processes as indicated in Table 1. This procedure established a value of 20580.46 at two degrees of freedom, and a  $p < .0001$ .

Table 1

Total Number of Referrals to the Discipline/Judicial Processes

| Discipline Processes | Total Number Referred | Average % Referred |
|----------------------|-----------------------|--------------------|
| Administrative       | 12759                 | 90%                |
| Minority-Peer        | 419                   | 3%                 |
| Majority-Peer        | 979                   | 7%                 |

Next, data regarding cases that had been adjudicated were analyzed. The referrals to the discipline/judicial processes (excluding the number of expulsions) resulted in the number of cases adjudicated. Information about numbers and percentages of students expelled were compiled as these students' cases were removed from any other calculations since they would not be repeat offending and if not removed those figure would skew the results of the final computations. The total number of cases adjudicated by all three of the discipline/judicial processes was



14,080 for traditional-age population at the 30 campuses constituting the sample, resulting in a 19% overall average. The number of cases adjudicated by all three processes is shown in Table 2 resulting in a Chi-square value of 20582.33 with two degrees of freedom, with a  $p$  of  $<.0001$ . In addition, the average percentages of cases adjudicated by each of the processes are also specified in Table 2. Chi-square found a Goodness-of-fit of 144.74 at 2 degrees of freedom and a  $p<.0001$ .

Table 2

Total Cases Adjudicated

| Discipline Processes | Number Adjudicated | Ave. % Adjudicated |
|----------------------|--------------------|--------------------|
| Administrative       | 12712              | 90%                |
| Minority-Peer        | 409                | 3%                 |
| Majority-Peer        | 959                | 7%                 |

In the next phase, data for repeat offenses were analyzed and synthesized. The total numbers of repeats for all discipline/judicial processes were 3,935, and the average total percentage repeats for all cases adjudicated were 28%. The number of repeat offenses for each of the discipline/judicial processes and the average percentages of repeat offenses per process were calculated and are shown in Table 3. The average percentage of repeat offenses per discipline/judicial processes was derived as shown in Table 3, and Chi-square was used to ascertain Goodness-of-fit that resulted in a value of 5607.38 at two degrees of freedom, as well as a  $p<.0001$ . Chi-square was then used to ascertain Goodness-of-fit for the total number of repeats

for each discipline/judicial process resulting in a value of 4.70 at two degrees of freedom, with a  $p=.095$ .

Table 3

Total Repeat Offenses

| Discipline Process | Ave.% Repeats/Process | Number Repeats/Process |
|--------------------|-----------------------|------------------------|
| Administrative     | 28%                   | 3521                   |
| Minority-Peer      | 19%                   | 78                     |
| Majority-Peer      | 35%                   | 356                    |

Because the expected level of importance (experimental difference) of 5% to 8% was found, further analyses of these data were warranted in order to assess that importance. For these in-depth analyses, the number of traditional-age students attending each institution in 1999-2000, was sorted and ranked in ascending order from smallest to largest institution. This distribution of 30 institutions was divided into three equal subgroups of 10 schools each and named small, medium, and large. In-depth analyses were conducted to determine whether grouped data would reveal results that met both the *a priori* level of importance (experimental difference) of 5% to 8%, and the alpha level of .05 consistency.

Descriptive data of range, mean, median and standard deviation were compiled for these subgroups and are shown in Table 4.

Table 4

Traditional-age Students Per Subgroups

| Subgroup | Range     | Mean | Median | S D     |
|----------|-----------|------|--------|---------|
| Small    | 232-1170  | 832  | 991    | 355.24  |
| Medium   | 1180-2778 | 1842 | 1605   | 685.56  |
| Large    | 2857-9190 | 4914 | 4680   | 2007.24 |

Data were compiled for the independent variable (the discipline/judicial processes) for all three levels: administrative, majority-peer, and minority-peer. These data were evaluated to see how the three discipline/judicial processes compared and differed across the subgroups. Information was gathered for the dependent variable, the average percentage of repeat offenders (rate of recidivism), and analyzed for the three subgroups of the sample.

Table 5 illustrated that the institutions in the small subgroup had an average of 125 student discipline cases per 1000 students referred to the discipline/judicial processes. In the medium subgroup an average of 193 student discipline cases per 1000 students were referred to the discipline/judicial processes. Lastly, Table 5 showed that schools in the large subgroup had an average of 183 student discipline cases referred to the discipline/judicial processes per 1000 students. Chi-square was used to find Goodness-of-fit and elicited a value of 16.14 with a  $p=.0003$ .

**Table 5****Average Number of Students Referred Per 1000 Students/Subgroups**

| Subgroup | Ave. No. Referrals | Expected Ave. Referrals | Difference |
|----------|--------------------|-------------------------|------------|
| Small    | 125                | 167                     | 16         |
| Medium   | 193                | 167                     | 26         |
| Large    | 183                | 167                     | 42         |

An analysis by subgroup of the numbers of referrals to discipline/judicial processes was conducted, and these results are shown in Table 6.

**Table 6****Number of Students Referred to Discipline/Judicial Processes/Subgroup**

| Subgroup | # Ref. | # Ref.    | # Ref.    | $\chi^2$ | Prob.   |
|----------|--------|-----------|-----------|----------|---------|
|          | Admin  | Min.-Peer | Maj.-Peer |          |         |
| Small    | 861    | 64        | 761       | 250.32   | p<.0001 |
| Medium   | 3330   | 60        | 152       | 581.20   | p<.0001 |
| Large    | 8568   | 295       | 751       | 13469.56 | p<.0001 |

Chi-square was used to ascertain the Goodness-of-fit among the three discipline/judicial processes for each of the subgroups, these values are indicated in Table 6. As Table 6 elucidates, the value of p for each subgroup is p<.0001.

The average percentages of referrals to each of the discipline/judicial processes for the subgroups were derived and examined, and the results are illustrated in Table 7. For the smaller campuses, an average of 10% of the cases referred was submitted to the administrative discipline/judicial processes, while an average of 1% of the cases referred was submitted to both the majority-peer and minority-peer discipline/judicial processes. For medium-sized campuses, an average of 18% of cases referred was submitted to the administrative discipline/judicial processes, while an average of 1% of the cases referred was submitted to both the majority-peer and minority-peer discipline/judicial processes. Table 7 also shows that for the larger institutions, an average of 17% of cases referred was submitted to the administrative discipline/judicial processes, an average of 1% of cases referred was submitted to the minority-peer discipline/judicial processes, and 2% referred was submitted to the majority-peer discipline/judicial processes.

Chi-square was utilized to find Goodness-of-fit among the average percentage of cases referred to the three discipline/judicial processes for the subgroups. The Chi-square Goodness-of-fit for the subgroups resulted in the following: (a) for the smallest schools within the subgroups, a value of 13.5 and a  $p=.0012$ , (b) for the medium-sized schools within the subgroups, a value of 5813.20 and a  $p<.0001$ , and (c) for larger schools within the subgroups, a value of 24.1 and a  $p<.0001$ .

Table 7

Average Percentages of Referrals/Discipline Process/Subgroup

| Subgroup | Adm. | Min-Peer | Maj-Peer | $\chi^2$ | Probability |
|----------|------|----------|----------|----------|-------------|
| Small    | 10%  | 1%       | 1%       | 13.5     | p=.0012     |
| Medium   | 18%  | 1%       | 1%       | 5813.20  | p<.0001     |
| Large    | 17%  | 1%       | 2%       | 24.1     | p<.0001     |

Note. Two degrees of freedom for  $X^2$ .

Table 8 displays the average percentage of total referrals for all processes for each of the subgroups. Chi-square was conducted for the average percentage of referrals for all discipline/judicial processes and resulted in a Goodness-of-fit value of 2.23 with a p=.327

Table 8

Average Percentages of Referrals for All Discipline/Judicial Processes/Subgroup

| Subgroup | Ave.% Ref.<br>Observed | Ave.% Ref.<br>Expected | %Difference |
|----------|------------------------|------------------------|-------------|
| Small    | 12%                    | 17%                    | 5%          |
| Medium   | 19%                    | 17%                    | 2%          |
| Large    | 20%                    | 17%                    | 3%          |

The analysis then shifted to the data reported regarding adjudicated cases in the discipline/judicial processes by subgroups. The average number of cases

adjudicated per 1000 students was calculated for the subgroups, and the results are shown in Table 9.

Table 9

Average Number Adjudicated All Processes Per 1000 Students Per Subgroup

| Subgroup | Ave. No. Adjudicate | Ave. No. Expected | Ave. Difference |
|----------|---------------------|-------------------|-----------------|
| Small    | 124                 | 158               | 34              |
| Medium   | 170                 | 158               | 12              |
| Large    | 180                 | 158               | 22              |

Utilizing the data in Table 9, Chi-square was computed to find Goodness-of-fit at two degrees of freedom and elicited a value of 11.29, with a  $p=.0035$ .

As shown in Table 10, an average of 10% of the cases were adjudicated in administrative discipline/judicial processes, while both majority-peer and minority-peer processes each adjudicated 1% of the cases for the smallest of the institutions. Utilizing Chi-square Goodness-of-fit at two degrees of freedom, a value of 13.5 was derived with a  $p=.0012$ . Table 10 also illustrated that for the medium subgroup, an average of 18% of all cases was adjudicated in administrative discipline/judicial processes. However, both majority-peer and minority-peer discipline/judicial processes in the medium-sized institutions each adjudicated 1% of the cases. Calculating Chi-square to obtain Goodness-of-fit at two degrees of freedom a value of 28.9 resulted with a  $p<.0001$ . Finally, Table 10 shows that for the larger

institutions 17% of the cases were adjudicated in administrative discipline/judicial processes, while 2% of cases were adjudicated in both majority-peer and minority-peer discipline/judicial processes. The Chi-square Goodness-of-fit value at two degrees of freedom elicited a value of 21.42 and a  $p < .0001$ .

Table 10

Average Percentage of Adjudicated Cases Per Process Per Subgroup

| Subgroup | % Adm. | % Minority | % Majority | $\chi^2$ | Prob.       |
|----------|--------|------------|------------|----------|-------------|
|          |        | Peer       | Peer       |          |             |
| Small    | 10     | 1          | 1          | 13.5     | $p = .0012$ |
| Medium   | 18     | 1          | 1          | 28.9     | $p < .0001$ |
| Large    | 17     | 2          | 2          | 21.4     | $p < .0001$ |

The average number of cases adjudicated per process was then analyzed for each subgroup and is shown in Table 11. Chi-square was computed and Goodness-of-fit values for each of the subgroups were as follows: (a) for schools in the small subgroup the value was 1306.32 with a  $p < .0001$ , (b) for schools in the medium subgroup the value was 5852.34 with a  $p < .0001$ , and (c) for schools in the large subgroup the value was 3458.72 with a  $p < .0001$ .



Table 11

Average Number of Cases Adjudicated Per Process Per Subgroup

| Subgroup | Adj. Adm.<br>Peer | Adj. Min.<br>Peer | Adj. Maj.<br>Peer | $\chi^2$ | Prob.   |
|----------|-------------------|-------------------|-------------------|----------|---------|
| Small    | 857               | 56                | 62                | 1306.32  | p<.0001 |
| Medium   | 3311              | 58                | 149               | 5852.34  | p<.0001 |
| Large    | 8544              | 295               | 748               | 3458.72  | p<.0001 |

Note. Two degrees of freedom for Chi-square.

The average numbers of repeats per 1000 students for each of the processes were computed for the subgroups. Table 12 shows these average numbers of repeats and the Goodness-of-fit that was derived by utilizing Chi-square.

Table 12

Average Number of Repeats Per 1000 Students Per Subgroup

| Subgroup | Observed Ave. | Expected Ave. | Difference |
|----------|---------------|---------------|------------|
| Small    | 22            | 47            | 25         |
| Medium   | 66            | 47            | 19         |
| Large    | 53            | 47            | 6          |

On an average, 22 repeats per thousand occurred in the small subgroup; 66 repeats per thousand in the medium subgroup, and 53 repeats per thousand in the large

subgroup as shown in Table 12. The Goodness-of-fit that was computed from a Chi-square calculation resulted in a value of 21.74 at two degrees of freedom and a  $p < .0001$ .

The numbers of repeats for each discipline/judicial process within the subgroups were compiled and are illustrated in Table 13.

Table 13

Total Number of Repeats /Process per Subgroup

| Subgroup | Admin. | Minority | Majority | $\chi^2$ | Prob.       |
|----------|--------|----------|----------|----------|-------------|
|          | Peer   | Peer     | Peer     |          |             |
| Small    | 177    | 7        | 29       | 240.78   | $p < .0001$ |
| Medium   | 1260   | 10       | 44       | 2315.30  | $p < .0001$ |
| Large    | 2084   | 61       | 263      | 3093.59  | $p < .0001$ |

The small subgroup had 177 cases of repeat offenses for administrative processes, 29 repeats for the majority-peer processes, and 7 repeats for minority-peer processes. The medium subgroup had 1,260 cases of repeat offenses for the administrative processes, 44 repeats for the majority-peer processes, and 10 repeats for minority-peer processes. The large subgroup had 2,084 cases of repeat offenses for the administrative processes, 263 repeats for the majority-peer processes, and 61 repeats for minority-peer processes. Chi-square at two degrees of freedom was computed for the small subgroup and the Goodness-of-fit value that resulted was 240.78 with a  $p < .0001$ . Chi-square was calculated for the medium subgroup, and the

Goodness-of-fit value that resulted was 2315.30 with a  $p < .0001$ . Chi-square was used to find Goodness-of-fit for the large subgroup, resulting in a value of 3093.59 with a  $p < .0001$ .

The average numbers of repeats per discipline/judicial processes for the subgroups were compiled and analyzed as shown in Table 14. The smaller schools had an average of 21% of the students repeat offend subsequent to an administrative discipline/judicial process, an average of 47% of the students repeat offend subsequent to a majority-peer discipline/judicial process, and an average of 13% of the students repeat offend subsequent to a minority-peer discipline/judicial process as seen in Table 14. Chi-square was computed to ascertain Goodness-of-fit producing a value of 23.40 with a  $p$  of  $< .0001$  for smaller schools.

Table 14

Average Percentages of Repeats for Discipline/Judicial Processes Per Subgroup

| Subgroup | % Adm. | % Min.<br>Peer | % Maj.<br>Peer | $\chi^2$ | Prob.       |
|----------|--------|----------------|----------------|----------|-------------|
| Small    | 21%    | 13%            | 47%            | 23.40    | $p < .0001$ |
| Medium   | 38%    | 17%            | 30%            | 7.92     | $p = .019$  |
| Large    | 24%    | 21%            | 35%            | 4.07     | $p = .1304$ |

Table 14 also shows that medium-sized schools had an average of 38% of the students repeat offend subsequent to an administrative discipline/judicial process, an

average of 30% of the students repeat offend subsequent to a majority-peer discipline/judicial process, and an average of 17 % of the students repeat offend subsequent to a minority-peer discipline/judicial process. Chi-square was computed to ascertain Goodness-of-fit, eliciting a value of 7.92 and a  $p$  of  $<.019$  for medium-sized schools. Institutions in the larger subgroup as seen in Table 14 had an average of 24% of the students repeat offend subsequent to an administrative discipline/judicial process, an average of 35% of the students repeat offend subsequent to a majority-peer discipline/judicial process, and an average of 21% of the students again offend subsequent to a minority-peer discipline/judicial process. Chi-square was computed to ascertain Goodness-of-fit eliciting a value of 4.07 and a  $p=.1304$  for larger schools.

Information in Figure 1 illustrates the percentage of repeats for each of the discipline/judicial processes per subgroup also shown in Table 14. For the smaller institutions, the percentages of repeats are 21% administrative, 13% for minority-peer, and 47% for majority-peer. The medium-sized institutions' percentages of repeats are 38% administrative, 17% for minority-peer, and 30% for majority-peer processes. Lastly, the large institutions had the following percentages of repeats: 21% minority-peer, 24% administrative, and 35% majority-peer.

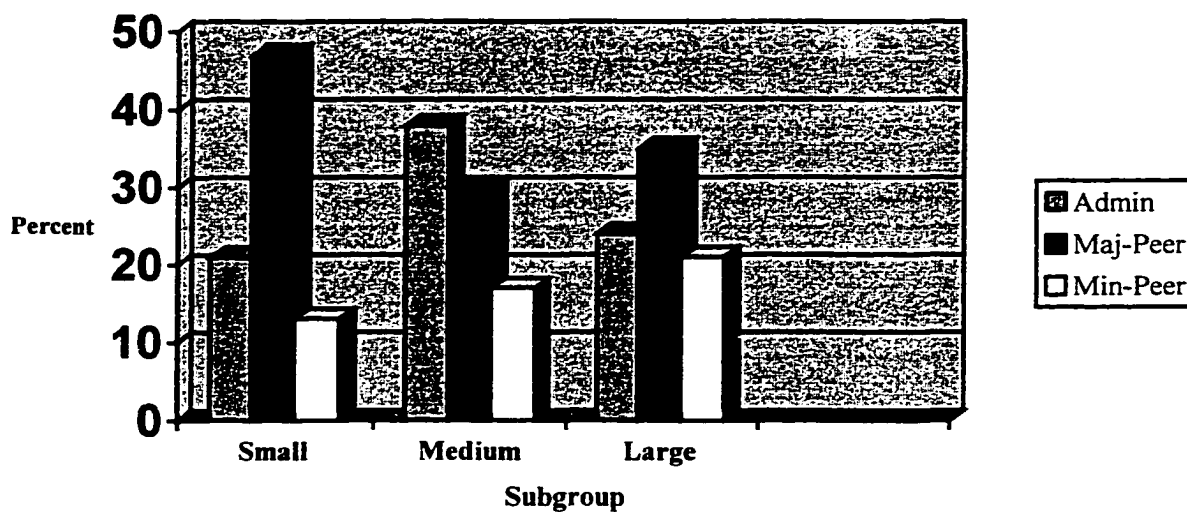


Figure 1

Percentage of Repeats Per Discipline/Judicial Process/Subgroup (Size)

The average total percentages of repeats for all processes per subgroup were then computed and are shown in Table 15. Chi-square was calculated to ascertain Goodness-of-fit with two degrees of freedom eliciting a value of 4.5 with a  $p=.1054$ .

Table 15

Average Percentage of Repeats Per Subgroup

| Subgroup | Ave. % Observed | Ave. % Expected | Difference |
|----------|-----------------|-----------------|------------|
| Small    | 22%             | 28%             | 6%         |
| Medium   | 37%             | 28%             | 8%         |
| Large    | 25%             | 28%             | 3%         |

An analysis was conducted to compare the average percentages of the discipline/judicial process with the least repeats per subgroup, to the discipline/judicial process with the next fewer repeats per subgroup, and those results are seen in Table 16. Chi-square was computed at two-degrees of freedom to ascertain Goodness-of-fit and resulted in a value of 9.05 with a  $p=.0108$

Table 16

Process Least %Repeats Compared to Process Second Fewer %Repeats/Subgroup

| Subgroup | % Process<br>least Rep. | % Process<br>2nd fewer Rep | %Difference |
|----------|-------------------------|----------------------------|-------------|
| Small    | 13%                     | 21%                        | 8%          |
| Medium   | 17%                     | 30%                        | 13%         |
| Large    | 21%                     | 24%                        | 3%          |

Finally, an analysis was computed that compared the discipline/judicial process per subgroup that had the least average percentage repeats to the discipline/judicial process per subgroup with the most average percentage repeats is shown in Table 17. Chi-square was again computed at two-degrees of freedom to ascertain Goodness-of-fit and resulted in a value of 41.80 with a  $p<.0001$ . Table 17 also indicates the percentage difference between the best and the worst discipline/judicial process as determined through the lower recidivism rates per

subgroup. Table 17 indicated the differences in the percentage of repeat offenses for the most effective and the least effective processes.

Table 17

Process /Subgroup Least Repeats Compared to Process/Subgroup Most repeats

| Subgroup | Ave.%<br>Least Repeats | Ave.%<br>Most Repeats | %Difference |
|----------|------------------------|-----------------------|-------------|
| Small    | 13%                    | 47%                   | 34%         |
| Medium   | 17%                    | 38%                   | 21%         |
| Large    | 21%                    | 35%                   | 14%         |

Information about numbers and percentages of students expelled were compiled as these students' cases were removed from any other calculations since they would not be repeat offending. If not removed, those figure would skew the results of the final computations. These data showed that a total of 62 students were expelled: 47 by the administrative discipline/judicial processes, 8 by majority-peer, and 7 by minority-peer discipline/judicial processes. These data indicated an expulsion rate of .08%, which is .04% of all the cases referred to all discipline/judicial processes for the 30 institutions that comprised the sample.

## Chapter Five

### Summary, Conclusions, and Recommendations

This chapter will include a discussion of the findings and the appropriate conclusions to those findings. These conclusions will have implications for Student Affairs practitioners and for discipline/judicial practices in Catholic institutions of higher education. Additionally, there will be recommendations for the Student Affairs practitioners and recommendations for further research.

### Discussion and Findings

The primary purpose of this study was to ascertain, evaluate, and compare the effectiveness of administrative, majority-peer, and minority-peer discipline/judicial processes on selected Catholic college and university campuses. This study elucidated information gleaned from completed surveys, computations, and the compilations obtained for the sample as a whole.

Analyses of the findings were conducted to make a determination about the null hypothesis which stated that there is no important or statistically reliable difference in the average rate of recidivism among the three discipline/judicial processes. The findings for the sample found that there was a 28% rate of repeat offenders for all cases adjudicated. The averages of percentages of repeats were determined for each discipline/judicial process as follows: administrative at 28%, minority-peer at 19% and the majority-peer at 35%. In general, minority-peer processes had 9% fewer repeats than administrative discipline/judicial processes and 16% fewer repeats than the majority-peer discipline/judicial processes. Also,



administrative discipline/judicial processes had 7% fewer repeats than majority-peer discipline/judicial processes. These percentages of repeats met the 5% to 8% experimental difference set *a priori*, indicating the level of practical importance. The most effective discipline/judicial process with least repeats is the minority-peer process.

Chi-square was used to compute Goodness-of-fit for the averages of percentages of repeats for each discipline/judicial process, and that computation resulted in a value of 4.70 with a  $p=.095$ . These averages of percentages of repeats while meeting the experimental difference of from 5% to 8% set *a priori* as the level of importance, failed to meet .05 alpha level set *a priori* as the level of consistency. Therefore, the analysis failed to reject the null hypothesis.

This  $p$  of  $=.095$  is greater than the alpha of .05 or the preferred level of consistency that was set *a priori* making this data not as consistent as the preferred preset level. However, this level of consistency is still relatively high in that only 9 times out of 100 would the average percentage of repeats per discipline/judicial process be untrue and the null hypothesis be true.

Because the level of importance (experimental difference) of 5% to 8% was easily met, further analyses of these data were warranted in order to assess the specific reliability of that importance. Sample data were divided into three subgroups reflecting the relative sizes of the institutions. For these in-depth analyses, the number of traditional-age students attending each institution in 1999-2000, was sorted and ranked in ascending order from smallest to largest institution.

This distribution of 30 institutions was divided into three equal subgroups of 10 schools each; for descriptive clarity these subgroups were labeled small, medium, and large. The traditional-age student population in the subgroups had the following ranges: (a) Smaller institutions from 232 to 1,170 students, (b) Medium-sized institutions from 1,180 to 2,778 students, and (c) Larger institutions from 2,857 to 9,190 students.

Additional analyses were conducted to determine whether the experimental difference or practical importance of 5% to 8% could be found with greater statistical reliability. In essence, this effort was an attempt to find particular results that met both the *a priori* experimental difference for level of importance and the preferred level of consistency set *a priori* at an alpha level of .05.

For the smaller institutions, Chi-square was computed to ascertain Goodness-of-fit for the number of repeats per discipline/judicial processes and elicited a value of 240.78 with a  $p < .0001$ . The percentages of repeats per discipline/judicial processes were also calculated and the results were: administrative had an average of 21% repeats, minority-peer had an average of 13% repeats, and majority-peer has an average of 47% repeats. The differences found between the discipline/judicial processes were: 8% between the administrative and minority-peer processes, 26% between the administrative and the majority-peer, and 34% between the minority-peer and majority-peer discipline/judicial processes.

Computing a Chi-squared Goodness-of-fit for these percentages resulted in a value of 23.40 with a  $p < .0001$ . For these smaller institutions, then, both the number

and percentages of repeats per discipline/judicial processes met the *a priori* alpha level of .05 consistency as  $p < .0001$ . These results also elicited the experimental difference set *a priori* from 5% to 8% that indicated a practical importance. Therefore, for the smaller institutions in the sample, the null hypothesis as applied to this group was rejected. Smaller institutions have fewer repeats for cases adjudicated by the minority-peer process. In sum, minority-peer discipline/judicial processes in these institutions are the most effective.

For the medium-sized institutions, Chi-square was computed to ascertain Goodness-of-fit for the number of repeats per discipline/judicial processes and elicited a value of 2315.30 with a  $p < .0001$ . The percentages of repeats per discipline/judicial processes were calculated and the results were: administrative had an average of 38% repeats, minority-peer had an average of 17% repeats, and majority-peer had an average of 30% repeats. These processes showed the following differences in repeats: 21% difference between the administrative and the minority-peer processes, 13% difference between the minority-peer and the majority-peer processes, and 8% difference between the administrative and the majority-peer processes.

When computing a Chi-squared Goodness-of-fit for these percentages, a value of 7.92 emerged with a  $p = .019$ . For these medium-sized institutions then, both the number and percentages of repeats per discipline/judicial processes met the *a priori* alpha level of .05 consistency as  $p < .0001$  and  $p = .019$ . These results also met the experimental difference set *a priori* of from 5% to 8% that indicates a practical

importance. Therefore, for the medium-sized institutions in the sample, the null hypothesis as applied to this subject group was rejected. This results in the determination that medium-sized institutions have fewer repeats for cases adjudicated by the minority-peer process. Simply put, minority-peer discipline/judicial processes in these institutions are the most effective.

The analyses of the large institutions actually evinced the reason that caused the failure to reject the overall null hypothesis for the sample. The percentages of repeats for the administrative and the minority-peer discipline/judicial processes did not differ from each other and were statistically the same. This then explains why the  $p$  value for the sample resulted in a value that was greater than  $p=.05$  indicating the consistency at  $p=.095$ , which was less reliable than the preferred alpha level. Knowing that the average repeats for the administrative and minority-peer discipline/judicial processes were seen as statistically equal and then caused the  $p$  value of  $.095$ , truly makes this data for the sample and this research even more reliable and consistent. These results are actually deemed more effective by the research than by the preferred alpha level set *a priori*.

In the larger institutions, Chi-square was computed to ascertain Goodness-of-fit of the number of repeats per discipline/judicial processes and elicited a value of 3093.59 with a  $p<.0001$ . For these larger sized institutions then, the number of repeats per discipline/judicial processes met the *a priori* alpha level of  $.05$  consistency as  $p<.0001$ . These results also elicited the experimental difference set *a priori* of from 5% to 8% that indicate a practical importance. Therefore, for the

larger sized institutions in the sample the null hypothesis as applied to this subject group was rejected.

The percentages of repeats per discipline/judicial processes were calculated for the larger institutions, and the results were: administrative had an average of 24% repeats, minority-peer had an average of 21% repeats, and majority-peer had an average of 35% repeats. The differences between the three discipline/judicial processes were: 3%, between the minority-peer and the administrative processes, 11% between administrative and majority-peer processes, and 14% between the minority-peer and the majority-peer processes. When computing a Chi-squared Goodness-of-fit for these percentages, a value of 4.07 with a  $p=.1304$  was found. Although these results met the experimental difference between the majority-peer and administrative and the majority-peer and the minority-peer processes, they do not meet that difference between the minority-peer and administrative processes. Therefore, at the .05 level of consistency, the analysis resulted in a failure to reject the null hypothesis as applied to this subject group. This indicated that the data derived from the larger institutions in this sample was not as consistent as the preferred alpha level of .05. The experimental difference of 5% to 8% was not found when comparing the administrative and minority-peer processes; however, a 3% difference was found. Large institutions have three less repeats per 100 students adjudicated by the minority-peer process than administrative processes. Thus, even in the larger institutions minority-peer processes were still the best process with the fewest repeats and emerge as the most effective approach.

The average numbers of referrals per 1000 students for each of the subgroups were: small 125 students, medium 193 students, and large 183 students. The Chi-square computation was conducted and elicited a value of 16.4 with a  $p=.0003$ . The average numbers of referred per 1000 students were consistent and reliable as  $p<.05$  the alpha level of consistency set *a priori*.

There is a 54% increase in numbers of referrals per 1000 students when you compare the smaller to the medium-sized institutions. However, when comparing the medium to the larger institutions, there is a 5% reduction in the numbers of students referred per 1000 students. It is logical that when the student population increases the numbers of referrals per 1000 students increases, yet that pattern did not emerge. When comparing the smaller population to medium population the increase did in fact occur, but it did not occur when comparing the medium to the larger institutions.

Evaluation of the average number of students adjudicated for all discipline/judicial processes per 1000 students per each subgroup was calculated. The average number of students adjudicated increased 51 students per 1000 when comparing smaller institutions to the medium-sized, and only 10 students per 1000 when comparing the medium-sized institutions to the larger institutions. These data also indicated that fewer students were adjudicated for unacceptable behavior in campuses in the larger institutions. Noting that adjudication involves a hearing, as opposed to a referral that may or may not be adjudicated.

## Conclusions

Minority-peer discipline/judicial processes are the most effective for all size campuses. Although campuses in this study adjudicated incidents of disruptive behavior 90% of the time through the administrative discipline/judicial processes, these processes resulted in an average of 9% more repeats than did the minority-peer processes. Campuses that begin to utilize the minority-peer discipline/judicial processes can expect to experience positive results of at least nine less repeats per 100 students.

The Student Affairs Professionals perceived that administrative discipline/judicial processes were the most effective, yet that perception was not supported by this research. Eighty-four percent of those filling out the survey perceived the incorrect discipline/judicial process as the most effective. Given the differences of the percentage of repeats, the level of relative consistency throughout, the greatest finding in this study may be that Student Affairs professionals are not aware that minority-peer processes are the most effective.

Despite the best efforts of Student Affairs professionals, there still exists a recidivism rate ranging from 19% to 35% for the discipline/judicial processes now utilized on campuses. These statistics indicate that anywhere between one in five to one in three students are offending again.

The literature regarding peers influencing peers indicates that students learn from their cohorts more readily than from adults. Although the role of the peer cannot be underestimated in the discipline/judicial processes, peers only in

combination with faculty and staff were associated with less repeat offenses. The same is true overall: that administrators alone also are not as effective in promoting less repeat offenses, but are more effective in concert with students.

Twenty-eight of the 30 institutions reported that there is no maximum number of incidents that would result in a student being permanently dismissed from their institution. While it may be commendable to note that these Catholic institutions wish to work with students on behavioral issues, this also may have some negative results in that, as discussed in Chapter 2, supportive and caring campuses must also call students to accountability. Such diverse authors as Boyer (1990) and Etzioni (1996) concurred that community care and support develops through a desire to convey standards, values and then enforce them. Sometimes students only learn to curb their aberrant behavior, when consequences are severe enough to have a profound impact on their lives. When students are aware that Student Affairs Professionals have historically retained all offenders, they may be inclined to continue their unacceptable conduct.

The results of this research show that a combined board of students, faculty, and staff is most effective. The possible reasons for this effectiveness may include: (a) faculty and staff give more credibility to the discipline/judicial board, and (b) add the leadership and guidance to the board that students acknowledge. Also, the student violator may have more respect for adult non-students on the board. Anecdotally, one traditionally-age male student reported that he didn't mind appearing before the student discipline/judicial board because he knew that at one



time or another, the students had all participated in similar actions for which he was being disciplined. He also said, “I hate to appear before an administrator whether it’s in a group or individually, because I am embarrassed about my behavior and don’t want the administrator to think less of me” (Delp, T., Personal conversation, March 27, 2001).

The purposeful sampling procedure seeking participants based on sampling criteria (peer processes, coeducational, campus residential housing, and the ability to identify repeat offenses) resulted in 125 phone calls to potential participants. Two primary reasons offered by institutions for their ineligibility in this study were: a) their campuses did not utilize peers in the discipline/judicial processes, and b) they could not identify repeat offenders, due to inadequate records and an inability to retrieve the data easily.

#### Recommendation for Further Research

Research, based upon systems of management that track individual students would be invaluable. However, at present, there are many Catholic campuses in this population that are not keeping easily retrievable discipline records for the aggregate population, let alone the individual students. It is important that research be continued to discern effectiveness of the discipline/judicial processes over a period of years, as longitudinal data would give Student Affairs administrators information regarding trends within the populations, enabling them to generate better responses to inappropriate behaviors.

More research is also needed to determine if the discipline/judicial process has the ability to impose more serious sanctions would that influence the effectiveness of that process. In addition, dismissal rates or expulsion statistics should be studied to determine their impact on the efficacy of the discipline/judicial processes. Studies to consider if behavior is influenced by the location of a college or university would be useful. For example, does the campus that is in the center of a large urban community feel that being in that location influences student behaviors positively or negatively.

An investigation that would study the differences between the Catholic and public institutions' discipline/judicial processes to ascertain any differences, if any, would also provide important information for the practitioner. Research that compares single gender campuses to co-ed campuses to determine factors that relate solely to gender and discipline, would broaden the understanding of another factor.

Larger institutions in this study adjudicated fewer students per 1000 students than institutions of a smaller size indicating a need for research to determine the reason for less adjudication. A study of the culture of larger higher education institutions to ascertain if those campuses tend to tolerate more unacceptable behaviors than smaller sized institutional cultures is one possible focus for the study.

Finally, qualitative research would augment any quantitative research that has been conducted. The reality is that a qualitative study would give a voice to those students who are intimately involved with the discipline/judicial processes either as the accused, the complainant, or as a member of a discipline/judicial board. A

qualitative study would also allow for administrators of discipline/judicial processes to communicate their feelings about these discipline/judicial processes.

### Recommendations for Student Affairs Professionals

Catholic colleges and universities must promote, encourage, and utilize minority-peer processes on their campuses if they wish their discipline/judicial processes to be more effective. In addition, Student Affairs professionals should re-think and review the different educational philosophies regarding discipline and the need for accountability in prompting changes in behavior.

Although training students, faculty, and staff to be members of the discipline/judicial process panel will take time, it is time well spent when considering that there will be less repeat offenses. Spending time now will reduce the times that repeat offenses would require later when resolving them through discipline/judicial processes.

There is a need for all institutions to have databases where they can track their data for the institution as a whole and for the students as individuals. Having the appropriate data and resources will allow for these professionals to perform their jobs more effectively.

### Endnote

Discipline processes will continue to be vital to colleges and universities in their efforts to norm what Thomas Jefferson (1812) referred to as, “. . . ideas of independence, too little repressed by parents, [that] beget a spirit of insubordination.”

We must recognize that Catholic campuses, not unlike other campuses, are experiencing some of these difficulties due to a diverse population of students. In the 1900's only 4 % of high schools graduates attended college, while in 1997, 65% of all high school graduates went on to some form of post secondary education (Levine & Cureton, 1998). The result is that the higher education experience attracts a wider range of students and their concomitantly diverse worldviews.

From the 1900s until 1997, the United States moved from what had been an elite education for a few, to what is termed universal higher education for the many. Thus, with this diversity, colleges and universities have come to look like the rest of the country a microcosm of the society within which they exist. So, too, these campuses reflect the dysfunction that is prevalent in the society and therefore must do everything within their power to mitigate these problems. Indeed, it has long been established in higher education administration literature that unless campuses come to grips with addressing disruptive behaviors by college students, they will not be able to continue to create and maintain a safe and effective learning environment.

Student Affairs professionals want help and need good data in order to make appropriate decisions about how to address unacceptable behaviors. It is incumbent on institutions of higher education to utilize the most effective discipline/judicial processes when calling a student to accountability. The most effective discipline/judicial process that imposes discipline is that process with the least numbers of repeats. This study found the most effective discipline/judicial process is the minority-peer process. Any reduction in the numbers of disruptive incidents

would create additional time to build communities; time that was once spent in addressing the disruptive behaviors. The benefits of any decrease also would contribute to more tranquility on the nations' campuses, increased feelings of safety, and a positive growth environment augmenting the educational process.

**APPENDIX A**  
**PARTICIPANT QUESTIONNAIRE**

*"Not for School but for Life"*

April 4, 2001

Dear Chief Student Affairs Officer:

Student Affairs professionals have unique challenges facing them as they attempt to effectively respond to disruptive behaviors by students. For my doctoral dissertation research at the University of Montana under the direction of Dr. Roberta D. Evans, I am conducting a survey of Catholic Colleges and Universities regarding campus discipline/judicial processes. Your campus has been selected for this study of the relationship between campus discipline/judicial processes and their effectiveness. I have recently spoken with you or a person in your department to verify that you qualify for this sample. The findings of this research will serve to clarify and inform Student Affairs professionals as they continue to refine discipline/judicial processes. The results of this research will be available to your institution and other interested groups.

In order for me to acquire representative data, I am asking you to complete this survey at your earliest convenience. It is very important that the data for 1999-2000 be completed. Colleges and universities in the sample are also being requested for two additional years of data if available. None of the research will identify you personally; rather, the research will be reported as aggregate data. Your responses will be kept in the strictest confidence.

Please complete and return this survey to me in the return envelope by April 16, 2001.

If you so choose, you may fax the completed survey to me at 406/447-4532.

If you have any questions, please do not hesitate to e-mail me at [foreilly@carroll.edu](mailto:foreilly@carroll.edu), or call me at 406/447-4374.

Sincerely,

Frances L. O'Reilly, MBA  
Director of Residence Life

## Catholic College and University Discipline/Judicial Processes Survey

1. Name of college or university \_\_\_\_\_

2. City \_\_\_\_\_ State \_\_\_\_\_.

3. This institution is classified as: \_\_\_\_\_ 2-year private \_\_\_\_\_ 4-year private.

Please complete following table for your institution.

| <b>Number of: FTE</b>           | <b>1999-2000<br/>Academic Yr.</b> | <b>1998-1999<br/>Academic Yr.</b> | <b>1997-1998<br/>Academic Yr.</b> |
|---------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| <u>Female Students</u>          |                                   |                                   |                                   |
| <u>Male Students</u>            |                                   |                                   |                                   |
| <u>Traditional-Age Students</u> |                                   |                                   |                                   |

**Definitions: Traditional-age students** are those from 18 years to 24 years of age.

**FTE:** refers to the number of full-time equivalent students in your institution for the designated academic year (Refer to the IPEDS information at your registrar or institutional research department).

4. Do campus discipline/judicial processes have a maximum limit on the number of incidents in which a student is involved before they are expelled from school?

\_\_\_ No \_\_\_ Yes, then please specify this maximum number \_\_\_\_\_.



5. Please rank the three types of discipline/judicial processes in the order in which you believe they are most effective, with one being the most effective and three being the least effective process. Administrative \_\_\_\_ Minority –Peer \_\_\_\_ Majority –Peer \_\_\_\_.

**Definitions: Administrative Process:** Face-to-face hearing between the administrator and a student. **Minority-peer Process:** A board or panel composed of less than 50% students. **Majority-peer Process:** A board or panel composed of 50% or more students.

6. Please complete the following table for your discipline/judicial processes.

| <b>Category</b><br><b>1999-2000 Academic Year</b>  | <b>Administrative</b><br><b>Hearing</b> | <b>Minority-Peer</b><br><b>Hearing</b> | <b>Majority-peer</b><br><b>Hearing</b> |
|--|---|--|--|
| <b>Number of Students Referred for Adjudication</b>  |   |  |  |
| <b>Number of Students Expelled</b>   |   |  |  |
| <b>Number of Students Adjudicated*</b>   |   |  |  |
| <b>Number of Students who had a case adjudicated <u>and</u> subsequently committed an additional offense</b> |   |  |  |

\* This number is the number of students referred for adjudication less the number of students expelled

7. Please complete the following table for your campus discipline/judicial processes.

If some of this data is not available fill in what you can and continue to question 8.

| <b>Category</b><br><b>1998-1999 Academic Year</b>  | <b>Administrative</b><br><b>Hearing</b> | <b>Minority-Peer</b><br><b>Hearing</b> | <b>Majority-peer</b><br><b>Hearing</b> |
|--|---|--|--|
| <b>Number of Students Referred for Adjudication</b>  |   |  |  |
| <b>Number of Students Expelled</b>   |   |  |  |
| <b>Number of Cases Adjudicated*</b>  |   |  |  |
| <b>Number of Students who had a case adjudicated <u>and</u> subsequently committed an additional offense</b> |   |  |  |

\*This number will be the number of students referred for adjudication less the number of students expelled.

8. Please complete the following table for your campus discipline/judicial processes.

If some of this data is not available fill in what you can and then continue to question

9.

| <b>Category</b><br><b>1997-1998 Academic Year</b>  | <b>Administrative</b><br><b>Hearing</b> | <b>Minority-Peer</b><br><b>Hearing</b> | <b>Majority-peer</b><br><b>Hearing</b> |
|--|---|--|--|
| <b>Number of Students referred for Adjudication</b>  |   |  |  |
| <b>Number of Students Expelled</b>   |   |  |  |
| <b>Number of Cases Adjudicated*</b>  |   |  |  |
| <b>Number of Students who had a case adjudicated <u>and</u> subsequently committed an additional offense</b> |   |  |  |

\*This number will be the number of students referred for adjudication less the number of students expelled.

9. Do you believe that your environmental surroundings and location contributed to the number of incidents that were brought to your discipline/judicial processes?

☐ Yes ☐ No

10. The following table will clarify the authority of the student discipline/judicial processes on your campus that adjudicate cases of student disruptive behaviors.

There are relevant definitions following the table that explains the sanctions indicated in the table. Please mark an X under the discipline/judicial process if the process has the authority to impose that specific sanction. Please mark all sanctions that a process has the authority to impose.

|  | Administrative<br>Hearings | Minority-Peer<br>Hearings | Majority-Peer<br>Hearings |
|--|----------------------------|---------------------------|---------------------------|
| Imposes<br><b>Probations*</b>                      |                            |                           |                           |
| Imposes<br>Temporary<br><b>Suspensions**</b>       |                            |                           |                           |
| Imposes<br><b>Expulsions and<br/>Dismissals***</b> |                            |                           |                           |

**\*Probation** is a written reprimand to a student for violating an institutional regulation. This sanction is imposed for a specified period of time and it includes the probability that more severe sanctions will be imposed if the student is culpable of another violation any time during the probation period (Paterson & Kibler, 1998, p. 27).

**\*\*Temporary Suspension** is separation of the student from the college/university for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified (Paterson & Kibler, 1998, p. 27).

**\*\*\*Expulsion or dismissal** is permanent separation from the college or university (Paterson & Kibler, 1998, p. 27).

Thank you for your time and willingness in completing this survey. Please remember to return this information to me by May 15, 2001.

**APPENDIX B**  
**COMPILATION OF SURVEY DATA**



## REFERENCES

- Amada, G. (1994). Coping with the disruptive college student: A practical model. The Higher Education Series, College Administration Publications, Inc.
- American Association of University Presidents (1988). The joint statement on rights and freedoms of students. Policy Documents and Reports (pp. 144-146). Wash. D. C.
- Ardaiole, F. (1983). What process is due? In M. J. Barr (Eds.), Student Affairs and the law. New Directions for Student Services, 22. San Francisco: Jossey-Bass Inc.
- Ardaiole, F. & Walker S. (1987). Models of Practice. In R. Caruso and W. Travelsted (Eds.), enhancing campus judicial systems. New Directions for Student Services, 39, 43-61, San Francisco: Jossey-Bass Inc.
- Association for Student Judicial Affairs ASJA (1998). The state of student judicial affairs current forces and future challenges. Publication of the Association of Student Judicial Affairs on the occasion of the 10<sup>th</sup> Anniversary of the Association.
- Babbie (1990). Survey research methods (2<sup>nd</sup> Ed.). Washington D. C.: American College Personnel Association.
- Bakken, C. (1968). Student discipline. The legal basis for college student personnel work. Student Personnel Monograph Series (2<sup>nd</sup> Ed.). Wash. D. C.: American College Personnel Association.

- Barr, M. & Desler, M, et al (2000). The handbook of Student Affairs administration. 2<sup>nd</sup> Ed. San Francisco: Jossey-Bass.
- Bennett, B. (1995). Open records law and student disciplinary records: Expanded media access to student records. Stetson University College of Law Conference on Law and Higher Education Issues.
- Boyer, E. (1990). Campus life: In search of community. Carnegie Foundation for the Advancement of Teaching. Princeton, New Jersey: Princeton University Press.
- Brubacher J. & Rudy W. (1976). Higher education in transition, 3rd Ed. New York: Harper & Row.
- Buchanan, E. (1978). Student disciplinary proceedings in collegiate institutions: substantive and procedural due process requirements. In legal foundations of student personnel services in higher education, edited by E. H. Hammond and R. Shaffer, Wash. D. C.: American College Personnel Association.
- Caruso, R. (1978). The professional approach to student discipline in the years ahead. In E. Hammond & R. Shaeffer (Eds.), The legal foundations of student personnel services in higher education.
- Caswell, J. (1991). Educational Herald. Over protecting students on campus, 72(3) pp.22-24.
- Carmody, D. (1990). New York Times, Colleges tightening discipline as disruptive behavior grows, February 14, P.7, Section B.



- Carnegie Foundation for the Advancement of Teaching, (1990). Campus life in search of community, New Jersey: Princeton University Press.
- Chaffee & Tierney (1988). Collegiate culture. American Council on Education, New York: Macmillan
- Chickering, A. & Reisser, L. (1993). Education and identity, (2<sup>nd</sup> Ed,) San Francisco: Jossey-Bass.
- Cordner P. & Brooks T. (1987). Training techniques for judicial systems. In R. Caruso & W. Travelstead (Eds). Enhancing campus judicial systems. New Directions in Student Services, 39, 31-42 San Francisco: Jossey-Bass Inc.
- Correnti, R. (1988). How public and private institutions differ under the law. In student services and the law, edited by M. Barr & Assoc. San Francisco: Jossey-Bass.
- Dannells, M. (1996). Student Affairs functions in higher education discipline, Rentz & Saddemire (Eds.), Springfield, Ill.
- Dannells, M. (1997). From discipline to development: Rethinking student conduct in higher education. ASHE-ERIC Higher Education Report. Vol. 25, No.2, Wash. D. C.: Graduate School of Education and Human Development, The George Washington University.
- Dannells, M. (1991). Changes in student misconduct and institutional responses over ten years. Journal of Student Development, 32, 166-170.
- Dannells, M. (1990). Changes in disciplinary policies and practices over ten years. Journal of College Student Development, 31, 498-414.

- Dillman, D. (1978). Mail and telephone surveys. The total design method. New York: John Wiley.
- Emmanuel N. & Miser K. (1987). Evaluating judicial program effectiveness. In R. Caruso & W. Travelstead (Eds.), Enhancing campus judicial systems. New Directions in Student Services, 39, 85-94. San Francisco: Jossey-Bass Inc.
- Esteban v. Central Missouri State College, 1967
- Etzioni, A (1993). The spirit of community: The reinvention of American society. New York: Touchstone.
- Etzioni, A. (1996). The new golden rule: Community and morality in a democratic society. Basic Books: New York.
- Fink & Kosecoff (1985). How to conduct surveys: A step-by-step guide. Beverly Hills, CA.:SAGE.
- Fitch, E. (1997). Assessing the effectiveness of campus judicial systems in doctoral institutions. University of Arkansas, May.
- Fitch, E. & Murry (2001). Classifying and assessing the effectiveness of student judicial systems in doctoral granting institutions. NASPA Journal, Vol.38, no.2, Winter.
- Fowler (1992). Survey research methods. Newbury Park, CA.:SAGE.
- Gallin, A. OSU (1990). Current issues in Catholic higher education, Student life issues from the frontline, Association of Catholic Colleges and Universities, Winter, v10, n2.

- Gehring, D. & Bracewell, W. (1992). Standards of behavior and disciplinary proceedings. In rights, freedoms, and responsibilities of students, edited by W. Bryan & R. Mullendore, New directions for student services. No. 59, p.89, San Francisco: Jossey-Bass.
- General Order on judicial standards of procedure and substance in review of student discipline in tax supported institutions of higher education, 45 F.R.D.133 (W. D. Mo., 1968). Commonly referred to as the general order.
- Gibbs, A. (1992). Reconciling the rights and responsibilities of college students; offensive speech, assembly, drug testing, and safety. ASHE-ERIC Higher Education Report. No.5, Washington D.C.: The George Washington University, School of Education and Human Development. ED 354 837.108pp.
- Handy, C. (1994). The age of paradox, Cambridge, Mass.: Harvard Business School Press.
- Heft, J. (1993). Current issues in catholic higher education, A taste for the other: the moral development of college students and young adults, Vol.13, No.2, Winter.
- Kaplin, W. & Lee, B. (1995). The law of higher education. 3<sup>rd</sup> Ed., San Francisco: Jossey-Bass.
- Kuh, G., Schuh, J., Whitt, E., & Associates (1991). Involving colleges, San Francisco, California: Jossey-Bass Inc.
- Laudicina & Tranuitolo (1974). A historical note. A legal perspective for student personnel administrators. (Pp. 7-28). Springfield, IL: Charles C, Thomas Publishers.

- Leslie, G (1979). The family in social context. New York: Oxford University Press.
- Levin, Mac Innis, Carroll, & Bourne (1983). Social problems, causes, consequences, interventions. 2<sup>nd</sup> Ed. Los Angeles, Calif.: Roxbury Publishing Co.
- Levine, A. & Cureton, J. (1998). When hope and fear collide. San Francisco, California: Jossey-Bass Inc.
- Mandell, J. (1981). The psychological sense of community and the small college campus: A community psychological perspective on the role of deans of students. Unpublished doctoral dissertation. The University of Massachusetts, Amherst.
- Marsh, D. (1973). Student discipline in higher education: a collision course with the court? NASPA Journal, 8 (5), 148-155.
- Mash, D. (1971). Student discipline in higher education: a collision course with the courts? NASPA Journal., 8(5), 148-155.
- Morgan, (1986). Images of organization. Beverly Hills, California: SAGE.
- Nicklin, J. (2000, June). Arrests at colleges surge for alcohol and drug violations. The Chronicle of Higher Education, pp. A48-A58, volume XLVI, No. 40.
- O'Brien, D. (1994). From the heart of the American church. Maryknoll, New York: Orbis Books.
- Parks, S. (1986). The critical years: The young adult search for a faith to live by, San Francisco, Calif.: Harper & Row.
- Paterson, B. & Kibler, W. (1998). The administration of campus discipline, Ashville, N.C: College Administration Publications, Inc.

- Pavela, G. (1985). The dismissal of college students with mental disorders, Asheville, N.C.: College Administration Publications, Inc.
- Pavela, G. (1993). The chronicle of higher education, Today's college students need both freedom and structure. July 29,:Br B2.
- Pavela, G. (1995). Synfax weekly report, Stanford speech code unconstitutional, March 6, p.332.
- Pavela, G. (1996). New directions for Student Affairs, Judicial affairs and the future, Spring, n73, p.107-13.
- Pope John Paul II (1990). Ex Corde Ecclesiae: On Catholic universities. Apostolic Constitution of the Supreme Pontiff, Vatican City.
- Rodenhouse, M. (2000). 2001 Higher Education Directory. Falls Church, VA.: Higher Education Publications Inc.
- Rudolph, F. (1962). The american college and university: a history. Legacy of the revolution. Athens, Ga.: University of Georgia Press. Pp.23-44.
- Schnurr, Monsignor D. (2000). The Application of Ex Corde Ecclesia. United States Catholic Conference, Inc., Washington, D. C.
- Slaughter v. Brigham Young University (1975).
- Smith, D. (1994). Student discipline in American colleges and universities: A historical overview. Educational Horizons, 72 (2), 78-85.
- Soglin v. Kauffman (1968). 418 F. 2d 163, 7<sup>th</sup> Cir.
- Strange, C. & Banning, J. (2001). Educating by design. Creating campus learning environments that work. San Francisco, California: Jossey-Bass Inc.

- Stevens, E. (1999). Due process in higher education: A systematic approach to fair decision making. ASHE-ERIC Higher Education Report (Vol. 27, No. 2). Washington, DC: The George Washington University, Graduate School of Education and Human Development.
- Stoner, E. & Cerminara, K. (1990). Harnessing the spirit of insubordination: a model student disciplinary code. *The Journal of College and University Law*, 17(2), 89-121.
- Stoner, E. (1998). A model code for student discipline. B. G. Paterson & W. L. Kibler Eds., 1997. *The administration of campus discipline*. Ashville, N.C.: College Administration Publications, Inc.
- Sudman, S. & Bradburn, N. (1986). *Asking questions*. San Francisco: Jossey-Bass.
- Wells, R. (1996). *Leadership for community: A study of individuals perceived as creators and maintainers of a psychological sense of community in a university*. Unpublished doctoral dissertation. Temple University.
- Winnick & Manning (1972). U. S. Court of Appeals, p. 549
- Zacker, J. (1996). Evaluation in judicial affairs. In W. Mercer (Eds), *Critical issues in judicial affairs: Current trends in practice*. New Directions for Student Services, 73, 99-106. San Francisco: Jossey-Bass Inc.