

CAMPUS ASSAULT SCENARIO: STUDENT JUDICIAL OFFICER

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CAMPUS ASSAULT SCENARIO PANEL

Panelist- Student Conduct Officer

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Response of a panelist from a Judicial Affairs perspective:

Historical Perspective:

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. . . . The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. (Joint Statement on the Rights and Freedoms of Students, 1969).

The administration of student conduct in a university setting is a very complex and challenging task. A brief examination of the historical evolution of Judicial Affairs is helpful in understanding the current philosophical framework from which student conduct systems function.

Judicial Affairs has evolved in response to the social forces of society and the resultant characteristics of the campus climate. During the Colonial Period (1630-1780), students attended institutions of higher learning at a very young age and student discipline was an integral part of students moral and ethical training (Baldrige, 1978). Faculty maintained exclusive control over student conduct (Neil, 1980). Most institutions were church related and

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enrollments were relatively small in number. The Industrial Revolution and other social forces forced faculty to become more involved with their respective disciplines. As the goals of the institution began to broaden with increased enrollments, there was a dramatic shift from rigid behavior control to a more humanitarian approach (Packwood, 1977). Deans of Men and Women were appointed to replace faculty as disciplinarians and the 1937 Student Personnel Point of View was adopted to declare the values of a growing student personnel movement (Rudolph, 1962). As WWII progressed and economic conditions worsened, students attended college out of economic necessity (Brubacher & Rudy, 1976). As the war ended, the federal government became involved in funding postwar legislation for veterans. Students were older, more mature, and goal-oriented. There was difficulty in applying the doctrine of in loco parentis to these ex-soldiers. Disciplinary hearing boards were established to allow for student input (Brubacher & Rudy, 1976).

While enrollments continued to increase, the student/institutional relationship underwent a major transformation during the period of student activism in the sixties and early seventies (Bonner, 1986). Sit-ins, the Free Speech Movement, marches, protests, and mass arrests occurred on campuses across the nation. The concept of in loco parentis was further challenged by the student body. "Civil disobedience became a respectable and

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effective means of responding" to perceived injustices in the world (Baldrige, 1978, p.263). The landmark case of Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir. 1961) broadened students rights and responsibilities as due process safeguards were introduced (Kaplin, 1985).

Today, student conduct issues are guided by legalism and pragmatism (Pavela, 1983; Stoner & Cerminara, 1990). Professionals in judicial affairs are often accused of focusing on proceduralism at the expense of addressing the developmental needs of the student (Ostroth & Hill, 1978; Pavela, 1983). However, if the role of the student conduct officer is effective, student conduct can be one of the most effective means of enhancing the personal development of students (Dalton & Healy, 1984; Caruso & Travelstead, 1987). Student conduct officers, as educators, are forced to strike a delicate balance between affording the students' basic procedural rights, protecting the community, and creating an opportunity for personal growth and development. The remainder of this paper will focus specifically on the campus assault scenario and strategies designed to strike this delicate balance.

Is this just an example of "boys will boys"?

To date, there are approximately 400,000 men and 250,000 women belonging to Greek-letter organizations on

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campuses across the nation (Kuh & Arnold, 1993). Research has suggested that membership in these organizations has many positive effects. Increased self-esteem and overall satisfaction with the college experience are two of the most noted values (Pascarella & Terenzini, 1991). Unfortunately, the positive values associated with group membership in Greek organizations is often overshadowed by negative incidents such as the campus assault scenario presented in this text.

A number of studies have reported that the most frequent, abusive, and problematic consumption of alcohol is attributed to fraternity members (Faulkner, Alcorn & Gavin, 1989; Kuh & Arnold, 1993; Tampke, 1990). Legally, voluntary drunkenness is not a legitimate defense for criminal misconduct (Smith, 1988). Likewise, conduct standards established in institutions across the nation do not utilize intoxication as a legitimate excuse. Indeed, the actions of the men in the fraternity were not intended to bring harm to Sophie. Incidents like these generally begin with an "all in fun" mentality. However, the combination of the intoxicating properties of alcohol and the "bonding" culture associated with brotherhood can lead to inferior decision-making and in this case, a most unfortunate outcome.

Several facts presented in this scenario should be of concern to the institution. This incident followed a series of incidents involving alcohol misuse, student injury,

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alleged abusive behavior towards female students and possible hazing. The university is aware that drinking is commonplace at fraternities. The fraternity house is located on university owned property. There is no live-in staff and the supervision of functions appears to be inadequate.

Is there an issue of consent?

Sophie was a eager participant at the start of the scenario. She was lead to believe that she was attending a post-game dance. At the start of the cheerleading contest, Sophie allows Jason to lift her in the air. They almost fall, and from that moment on, Sophie clearly asserts herself by asking, suggesting and finally demanding that the brothers let her go.

How can incidents like this be prevented?

Clearly established campus alcohol policies should apply to individual and group behavior. The policy should discourage alcohol abuse and guidelines should be formulated to ensure responsible planning of events involving alcohol. Pledge-ship should be alcohol free. Prior approval of all alcohol related events is essential. Proper supervision of approved events is essential for enforcing the policy. (see UF Policy on Greek Functions provided by Tipton).

When serious injury occurs to a student, how should the institution respond?

The institutional response to a student crisis is of utmost importance. Marsha Duncan, Vice President for Student Affairs at Lehigh University, suggests the following in effectively managing a crisis; (1) Inform the President immediately, (2) Assign a "point person" to coordinate communication among key players in the crisis, (3) Contact the public relations officer immediately, (4) Contact legal counsel for the institution immediately, (5) Identify concerned parties (all individuals who have been or will be affected by the crisis), (6) Use support systems, (7) Establish communication links (hot lines), (8) Define the role of staff (Duncan, 1993).

The facts in the scenario suggest that the reporting system at State University needs to be reviewed. The Dean of Students learns of the injury the next day. He in turn, informs the President and University Attorney. These individuals need to be informed in a much more timely manner. Furthermore, the family has been summoned to the hospital on that evening. A representative of the university should accompany them.

Disciplinary action?

Immediate investigation of the incident is necessary to determine individual versus group responsibility and any violation of student conduct. It is very difficult in

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instances in which there has been a serious injury to a victim to maintain the educational purpose of the disciplinary process. However, much can be learned by this incident. Student conduct officers have the special challenge of helping students to understand their responsibility towards the larger community and the importance of exercising new found freedoms with responsibility.

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