

## **Student Discipline Task Force Academic Senate Report**

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### **Introduction**

Issues of student discipline are complex, involving a host of competing concerns, interests, and ideas. That each case is unique, only further complicates the task of doing what is right in a consistent and timely manner. While cases of student discipline are messy, it is clear that chief amongst these concerns is our need to avoid litigation. Whether this should be the case is irrespective of the fact that it is a real concern that must direct disciplinary action. That being said, the desire to avoid litigation cannot be made to delegitimize other concerns and/or interests, especially as they pertain to the safety and well-being of our fellow colleagues and students. For instance, it is important that we ensure that faculty and students, who have the most direct contact with one another, are not disproportionately impacted by instances of misconduct and discipline. In our current climate, we must recognize that the targeting of individuals because of their identity and/or status is a real and legitimate concern. Fostering a safe, equitable, and inclusive environment where growth and learning can take place is a collective responsibility and even incremental progress towards this end is preferable to complacency and inaction.

The Student Discipline Task Force (SDTF) has been tasked with the responsibility to research the viability of a standing student discipline committee and to report its findings back to the Academic Senate. Specifically, we have been asked to deal with two questions. First, are there legitimate grounds for pursuing changes in the way we approach issues of student discipline at SCC? This includes addressing the question of whether there are reasonable justifications for greater faculty involvement in the process. Second, how do other colleges and universities approach student discipline, especially as it relates to faculty participation? Our findings will suggest that the Academic Senate, in consultation with all relevant stakeholders, should strongly consider pursuing the creation of a student discipline committee. The following report reveals our preliminary findings and outlines some broad recommendations that will hopefully serve as a starting point for a larger campus-wide discussion about student discipline.

## Concerns with the Student Discipline Process

Our first question concerns whether there are legitimate grounds for considering changes to the way we approach issues of student discipline. To address this question, we collected faculty surveys and conducted in-depth interviews. Our interviews focused on faculty members who have experienced instances of student misconduct and interacted with the student discipline process.

## Faculty Surveys

51 faculty members responded to our initial survey. A 5-point Likert scale was used to measure some simple exploratory questions, which were followed by three additional open-ended questions.<sup>1</sup> Table 1 shows the results of the close-ended questions.

**Table 1**

I am confident I know when a student's behavior should be reported.	4.04
I know how to report instances of student misconduct when they arise.	4.29
I understand how the student discipline process works once I have reported it.	2.82
I feel comfortable reporting student misconduct.	3.51
Faculty should be more involved in the student discipline process.	4.08

The results suggest that faculty generally feel confident in identifying instances of student misconduct and know how to report such behavior. The data also suggests that faculty feel somewhat comfortable reporting such issues but are more mixed when it comes to feeling like they know how the discipline process works. Finally, the results show a tendency among faculty to agree that faculty should have a greater role in the student discipline process.

Three additional open-end questions were asked. Table 2 shows those questions.

**Table 2**

1	Has student perception of your race, ethnicity, gender, sexual orientation, religion, social class, etc., impacted student to faculty interaction and/or student misbehavior? If so, which status/es and how?
2	Please describe your level of satisfaction with how the instance (or instances) was handled.
3	Is there anything else you would add that we left out?

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<sup>1</sup> Survey scale values (1 = strongly disagree, 2 = agree, 3 = neutral, 4 = agree, 5 = strongly agree)

The responses to these questions were diverse and, in some cases, detailed. It is worth noting that faculty responses were especially mixed with respect to the first question. Many faculty members responded by simply saying no. Some also left the question blank. When faculty answered in the affirmative, their comments overwhelmingly focused on gender. One respondent wrote, “My gender as a woman has impacted some male students’ perception of what they are able to say and do. They have included references to my appearance in evaluations of my teaching and have treated me in a misogynistic way.” Although the survey did not ask for faculty to provide demographic information such as race, ethnicity, and gender, several respondents mentioned these identifiers as relevant to student misbehavior, e.g. “Being a woman of color faculty member, my visible statuses may often lead to some students not taking me seriously and challenging my knowledge of my discipline. The statuses that I suspect impact me the most (with regards to student perception and interpretation) are race/ethnicity, gender, and age.” The survey results suggest that there is a perception among some minority faculty members that their statuses impact student misbehavior.

Responses to questions 2 and 3 also showed significant variation. A number of faculty responses indicated a high degree of satisfaction with how their instance/instances were handled. However, the majority of respondents expressed some degree of dissatisfaction with the handling of discipline cases. Because of the detailed nature of some of these responses, we decided not to include direct references here. In light of these findings, a word of caution is in order. A random sampling technique was not used and the survey instrument did not ask faculty to indicate their status as full-time or part-time nor did it ask other related demographical questions. Given that the method and instrument were imperfect, there is reason to believe the results may not be entirely representative or accurate. If the Academic Senate decides to proceed with a student discipline committee, a more comprehensive and detailed survey should be considered.

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## Faculty Interviews

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The SDTF also conducted in-depth interviews.<sup>2</sup> Three dominant themes emerged from these interviews: (1) waning confidence in the safety and overall well-being of faculty and students, (2) feelings of anxiety and marginalization due to limited transparency, and (3) frustration caused by the perception of inconsistencies with the process.

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### Safety & Overall Well-Being

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In today’s climate, concerns about campus safety are on the minds of many. While the probability of a shooting, instance of stalking or sexual violence or violent confrontation are very low, behaviors that may trigger these concerns in faculty are not all that uncommon. Navigating perception and reality here is difficult, but our interviews revealed that some faculty have had or still have heightened anxiety because of how we have handled these issues. For instance, one faculty member said “I was assured that the report would be confidential...later, I was contacted by the student who was very agitated because the dean had

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<sup>2</sup> In an attempt to respect both the anonymity and voice of the faculty participants, we have removed all potential indicators and integrated some of their direct quotations in a narrative that attempts to highlight key takeaways. In some instances, broad generalizations are used because the cases are so unique that specific details would undermine our confidentiality agreement with the participants.

contacted him and used language that identified me as the reporter. I feel this placed me at risk.” Echoing a similar concern, another expressed the feeling that “...the focus was never really on my safety.” It is important to acknowledge that these concerns were not shared by all faculty. Some expressed satisfaction and/or support for how we have handled such issues in the past. The variation in experiences, however, does not negate the fact that some faculty harbor feelings of anxiety and fear, which is perhaps best captured by a colleague who simply said, “I was truly scared for my life because his behavior continued.”

As an open institution who serves the public, issues of student misconduct are unavoidable. Many of those we interviewed, however, raised concerns about the appropriateness of certain methods that have been used in response to such issues. Speaking directly to an action that had been taken, one faculty member claimed that as a result, “...the students and I felt unsafe.” Another told us, “Security guards were sent, who walked in and out of the class 3 times. The anxiety the class reported about the student simply multiplied.” At this point, it would be easy to see the following as at odds with the concerns raised above. One might ask, how can we make faculty feel safe, if when security measures are used, some faculty feel like it makes things worse? In addition, one could also ask, how can we ensure that student misconduct won’t escalate if credible forms of deterrence are not deployed at times? However, our research and interviews point to context, nuance, and the need for us to recognize that there are no one-size-fits-all solutions when it comes to student misconduct. The faculty we spoke to did not express a desire to eliminate such measure altogether but to have a broader, more inclusive dialogue about how we go about addressing these issues.

## Transparency

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Many of the concerns expressed by faculty deal with the lack of transparency when it comes to issues of student discipline. As one colleague put it, “I have felt that there is no transparency regarding the process.” Another claimed, “I was politely told ‘thanks, we’ve got it’, but was refused any follow-up information.” Concerns about transparency were in some instances coupled with feelings of fear and anxiety about potential student retaliation. Faculty expressed frustration with their being left in the dark and given limited information to assess the probability of such an event occurring. As one faculty member put it, “I understand there should be confidentiality, but I do believe the reporting party should be given some information...” Another told us, “I was refused the information I needed to protect myself and my family.” Many faculty members readily acknowledged important limitations to information sharing under the Federal Educational Rights and Privacy Act (FERPA), but still expressed frustration at the apparent disconnect between law and life. While it may not be possible to fully resolve this disconnect in most cases, faculty conveyed a strong hope that we can navigate this tension more effectively in the future.

A student’s right to privacy is an important legal and moral principle in today’s educational landscape. Because of this, some frustration and anxiety on the part of faculty is inevitable. However, the apparent blanket priority given to students and their privacy has led to the impression that faculty concerns and interests simply do not matter. As one faculty member stated, “I felt threatened and was given the impression that that wasn’t taken seriously.” Another claimed, “I was constantly given the impression that I was overreacting.” Yet still another colleague stated, “I brought a serious problem to the attention of those involved, and they seemed to treat it as unimportant.” The sense among some faculty is that the desire to protect student privacy and avoid litigation leaves us with the responsibility and burdens of

student misconduct without much institutional support. This sentiment is perhaps best captured by a faculty member who said, “I felt that my class was hijacked by the student, and no one was doing anything to stop it, despite my repeated pleas for help...The rights of this one problem student seemed to trump the rights of the 30 other students in the class as well as the faculty member’s.”

Concerns raised by faculty did not exclusively center on their own personal safety and well-being. Some also pointed to a concern for our students’ well-being. This sentiment was, however, in some instances accompanied by claims that faculty are treated as if what happens to their students, once in the disciplinary process, is really no concern of theirs. As one of our colleagues stated, “The overarching assumption seems to be that the faculty has no right to know what is going on, and no natural interest in the treatment of our students.” In other cases, faculty revealed detailed accounts of students feeling silenced, marginalized, and/or intimidated by the student discipline process. Whether it be faculty members or students, the general concern seems to be that since the current process excludes faculty and limits their information, it in some instances leaves faculty members in a vulnerable position and gives them little to no voice in the process.

### **Perceived Inconsistencies with the Student Discipline Process**

One essential element in any system of discipline is consistency, both in treatment and also in application of rules and principles. Many faculty raised concerns about this. For instance, one colleague said, “From what I can discern, there is a real inconsistency regarding the treatment of our students.” Claims about inconsistencies often fell into one of three categories. The first was about reported instance of minor offence receiving strong penalties and major offences receiving little or no penalty. Consider the following two reported cases: a student, misreading his relationship with a fellow student kisses her and receives a three-day suspension and is not allowed to take the vital midterms on those days. Another student sexually harasses another student in front of the entire student government and in this case, nothing was done. The second group of inconsistencies involved the perception of favoritism towards certain faculty and students, which calls into question the fairness of our system. The last type of inconsistency involved the repeated allegation the certain groups are given more consideration than others. It was directly reported to us, by a student victim, that “they would have taken this seriously if I was a member of a different group.” All of these apparent inconsistencies undermine the notion that our protocol produces just outcomes. Whether inconsistencies in the process truly occur is an empirical question that can only be answered through research and data. However, the perception of inconsistencies leaves many faculty and students feeling skeptical towards the process and perhaps prone to avoid using it as a resource.

Relatedly, many faculty expressed frustration and dismay that actions were seemingly delayed for so long. These concerns were often couple with the sentiment, already outlined above, that faculty concerns are not taken seriously. As one faculty member put it, “I felt that my family and I were in danger, and with good reason. I felt that this was a moment of crisis. The response to my incident report came 10 days later and was essentially a refusal to help.” Another revealed that “...the initial response time was pretty slow. I was promised a response before the next class meeting. That response came 20 minutes before class, 5 days later...the student wasn’t interviewed until after a week later.” Now clearly these types of

issues cannot be handled all that quickly, but some faculty pointed to the lack of communication as simply exacerbating the perception that their issues are not being addressed in a timely manner.

Finally, perhaps the most troubling aspect of this all comes from the fact that faculty have in some cases taken quite dramatic actions because of concerns with the process. One told us, “Eventually, I dropped the student and worried about retaliation.” Another said “...for my personal safety, I had to purchase a security system. I have no confidence in SCC really protecting me on or off campus.” Yet another, “I no longer report discipline issues because nothing ever gets done.” Consistency in the treatment of our students is a shared responsibility and as we go forward, we should try to ensure that we are all on the same page.

### **Comparative Assessment of Student Discipline**

We believe the previous section demonstrates a need to collectively discuss and rethink how we approach student discipline. This dovetails into our second question, which is how do other colleges and universities approach student discipline, especially as it relates to faculty participation? Initially, we focused solely on community colleges in the state of California, with an added emphasis on districts similar to ours. Unfortunately, our research at this level uncovered very little, showing only insignificant variations in the overall structure and process of student discipline. While the names and actors change from district to district, the same balkanized bureaucratic framework can be seen across districts. Faculty do, in some cases, play a greater role in the discipline process, but as far as we know, there are currently no standing student discipline committees. SCC would be the first to do so.

The lack of examples in the California community college system pushed us to broaden our search. In doing so, we looked to universities and colleges both within and outside California. Once we did so, it became clear that in some cases, faculty play a much greater role in the student discipline process. For instance, it is not uncommon at small private universities for faculty-led committees to participate in making decisions about minor infractions (cheating, plagiarism, breaches of honor codes, etc.) or to play an advisory role to key administrators. Similar committees can be found at some large public universities, but typically with greater student participation. Some of the most interesting cases come from schools who have shifted their disciplinary paradigm towards a restorative justice model. These models focus more on helping students make good decisions and avoid punitive measures, when appropriate, as a way to help students succeed and see themselves as part of a community. These models show great promise, especially within the confines of the state’s new funding model and should be investigated more.

Regardless of the school, one standard is upheld across all institutions of higher education. Supreme Court precedents and, for our purposes, California Ed Code, grants students a right to due process when the college or university they are attending takes certain disciplinary actions (e.g. in cases of suspension or expulsion) against them. A student’s right to due process is typically laid out in the respective school or district’s policy concerning student conduct and in cases where an appeal is made, a hearing board is often convened. This is the standard practice for RSCCD and a number of other districts here in Orange County. Typically, it is only at this point where faculty are formally brought into the disciplinary process. Because of liability concerns, legal council is usually present at these hearing boards. While the process

we use to select faculty members for these hearing boards could certainly be looked at, we believe this is not an area where significant reforms are warranted.

### **Recommendations: Forum, Resource, Tool**

We hope the following recommendations will be viewed as an initially starting point for a more robust discussion. Keeping this in mind, our research points to at least three positive functions a standing student discipline committee could take: forum, resource, and tool. First, the committee could serve as a forum. A deliberative space where students, faculty, staff, and administration can exchange ideas and express concerns is warranted. As the conditions of life change, a space where conversations about student discipline can adapt and evolve will hopefully put us one step ahead instead of two steps behind. For instance, there is broad agreement among many educators that the disciplinary model used in the past is becoming increasingly ineffective with our current generation of students, especially our most vulnerable student populations. Innovative approaches, like those modelled according to principles of restorative justice, are being piloted throughout the United States. As a forum, the student discipline committee could initiate a dialogue about these new approaches and tailored the conversation to our unique SCC culture.

Second, a student discipline committee could serve as a resource for not just SCC faculty, but every member of our RSCCD community. We recommend that the committee be responsible for collecting data, creating and issuing an annual report, coordinating trainings and other flex events, and maintaining an easy to use page on our campus site. As a resource, the student discipline committee could help ensure that we are all on the same page when it comes to the various aspects of student discipline. For many faculty, especially those who have a lot of experience with students, this resource function may be of limited value. However, it may be very useful to newly hired faculty, especially part-time faculty.

Third, the committee could be a tool for faculty. Our research shows that some of our colleagues feel that their interests and concerns are either ignored or are not being adequately addressed. This loss of confidence by some needs to be restored. Being mindful that we should avoid excessively entangling faculty in the disciplinary process, we suggest that the committee could be used when necessary as a means to advocate on behalf of faculty when they have legitimate grievances. Complaints about any process are inevitable and this function should not be construed as a vehicle to simply amplify every complaint and/or criticism. However, there have been and will be occasions in the future where faculty need their interests and concerns advanced by colleagues who—having a more developed relationship with the primary principles involved in the process—can ensure their voice is heard and adequately addressed.

To reiterate, these are just suggestions. If the Academic Senate wishes to proceed, much more work is necessary. Obviously, the Senate would have to entertain and pass a resolution. Additionally, College Council would probably have to hear and approve it. A conversation should also be started with SAC, in order to create a parallel process, should that be deemed desirable. What is vital through all of these processes is that the faculty be broadly consulted to be certain that this proposal meets with the will of the faculty. It has been noted by many that disciplinary issues have become more acute and severe today, and solutions called for may be more complex. We would argue that the time has come for the faculty to take a role in this important issue and help to craft the necessary solutions.