INTERSECTING PHILOSOPHIES: A QUALITATIVE STUDY OF STUDENT CONDUCT ADMINISTRATORS AND THEIR DECISION MAKING UTILIZING THE CONCEPTS OF JUSTICE AND CARE

A Dissertation

by

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ABSTRACT

Student discipline has been issue for higher education administrators in the founding of college campuses. Today's student conduct administrator is faced with complex issues that require an understanding of the legal requirements of due process while supporting the education mission of the institution. However, little research has addressed student conduct administrators as professionals and no research has explored their decision-making process. This qualitative study examined eight student conduct administrators and how they make decisions in their positions through the concepts of justice and care. These individuals were employed at large public research institutions at mid-level, working full time in student conduct. In-depth interviews were utilized to collect data that were categorized and evaluated through the lenses of justice, based on the framework of Kohlberg, and care, based on the framework of Gilligan.

The findings indicated that student conduct administrators used both justice and care in their decision making. Justice was seen primarily through the findings phase of the student conduct process, when a student conduct administrator must determine whether the student code of conduct has been violated. Care was seen primarily through the sanctioning phase, when a student conduct administrator must decide what outcome should occur if the student has violated the code of conduct. The findings suggest that gender had no impact on the use of justice and care, as all participants used both concepts.

DEDICATION

This dissertation is dedicated to my parents, Lynn and Steve Waller. Throughout my life, they have encouraged me to try new things. It was their love and support that helped me to keep going and to finish this process. I cannot say "thank you" enough.

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CHAPTER I

INTRODUCTION

Student conduct and behavior have been an issue in higher education since the founding of colleges and universities. Thomas Jefferson (1822) wrote to Dr. Thomas Cooper about how difficult student discipline was in education.

> The article of discipline is the most difficult in American education. Premature ideas of independence, too little repressed by parents, beget a spirit of insub-ordination, which is the great obstacle to science with us, and a principal 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 had founded the University of Virginia but students had not yet been admitted at the time of the letter. Not long thereafter, this was the site of the first murder on a campus. In the early days of colleges and universities, the university president or a faculty committee was often called on to address student behavioral issues, based on the philosophy of *in loco parentis* (in the place of the parent; Brady & Snoxell, 1965). Discipline was meted out by whatever means the president or the faculty member deemed appropriate, which may have included corporal punishment or being sent home.

The landscape of student discipline in higher education changed significantly in 1961 when a federal court rendered a decision in *St. John Dixon et al. v. Alabama State University* (herein *Dixon*) that required public institutions of higher education to grant students due process rights, including a notice of a violation and an opportunity to be heard in student conduct proceedings. The *Dixon* decision forced higher education

administrators to bring a level of professionalism to student conduct. No longer were administrators allowed to make decisions about student behavior without input from the student. Legal mandates required administrators not only to understand the concepts of due process but also to incorporate those concepts into their work with students. The premise of *in loco parentis* was dead; administrators now had to have working knowledge of the concepts of due process.

Following the decision in *Dixon* and several other cases, federal judges issued a general order advising state tax-supported institutions on the issue of student discipline. "Achieving the ideal of justice is the highest goal of humanity. Justice is not the concern solely of the courts. Education is equally concerned with the achievement of ideal justice" (Code of Federal Regulations, 1968, p. 135). Further, they laid out the lawful missions of state-supported institutions, which included "to develop students to well rounded maturity, physically, socially, emotionally, spiritually, intellectually, and vocationally" and "to develop, refine and teach ethical and cultural values" (p. 137).

The bridging of the ideals of justice through the development of students cements the role of higher education. It is important to understand that education has many purposes and that higher education faculty, staff, and administrators play a vital role in those missions. Caruso (1978) urged student affairs staff, specifically student discipline professionals, to find a balance between the required legal mandates and the development of students. Greenleaf (1978) contended that, if student discipline is handled properly, student development is a potential outcome.

Those concerned for student development can stay within the legal guidelines set

by courts and at the same time assist a student violator in developing insight into

personal behavior, in furthering a self-identity, in developing an understanding of

authority and in developing personal values and attitude. (p. 45)

The intersection of student development and the legal requirements mandated by the

government situate student conduct administrators in a difficult position where they must

make decisions that balance the needs of the community and institution with the

education and development of the student.

During the Civil Rights era (late 1950s to early 1970s), student affairs

professionals were called on to maintain order on campus. Gaston-Gayles, Wolf-

Wendel, Tuttle, Twombly, and Ward (2005) interviewed student affairs professionals

from the era and found that "maintaining order on the campus and meting out discipline

was the least favorite role of student affairs administrators" (p. 269). One interviewee

stated, "There was a general sentiment that student affairs administrators, while needing

to maintain some sort of order at the institution, should not abandon the more lofty goals

of helping students to learn and grow" (p. 270).

In the more than 50 years since the *Dixon* decision, student discipline or conduct

has become a legitimate field in higher education. Many graduate preparation programs

require students to take a course on law in higher education to fulfill requirements for

graduation. Persons who work in higher education are expected to have a working

knowledge of the law in higher education. Student Affairs Administrators in Higher

Education (NASPA) and College Student Educators International (ACPA), professional

associations specializing in higher education student affairs, jointly developed a list of competencies expected of professionals in the field. The area of law, policy and governance was one articulated competency. This area is focused on student affairs professionals understanding the influence of local, state, and federal laws and their impact on the institution. Student conduct administrators (SCA) are charged by colleges and universities to make decisions about whether students have violated university rules and policies, which are sometimes simultaneously violations of the law. Although case law (*Goldberg v. Regents, University of California*, 1967; *Hart v. Ferris State College*, 1983; *Nzuve v. Castleton State College,* 1975) has determined that higher education proceedings are not a form of double jeopardy, many colleges and universities are cognizant of the role that criminal law plays in student behavior and the potential impact of criminal law decisions on students.

The modern student conduct process typically starts with a report filed by the institution's campus security or police or an incident report documented through residence life officials or other campus entities. Such reports are forwarded to the campus administrator who coordinates the student conduct processes. This person could range in position level from a Dean of Students to an entry-level SCA. The report is read and evaluated to determine whether there may have been a violation of the student code of conduct. Based on the conduct process at the institution, the SCA may need to decide whether the provided information is adequate to charge the student with a violation of the student code of conduct. The SCA may need to determine whether further investigation is needed to substantiate the information in the report. Further, the

SCA may need to determine whether the type of alleged violation warrants a formal or informal conduct process and whether the case should be heard by an individual or by a panel. In many situations, if the alleged violation is sufficiently serious to potentially expel or dismiss the student from the institution, a more formal conduct process is followed.

Once a determination is made that a violation of the student code of conduct may have occurred, the student is notified, usually through email or letter, to meet with the SCA. The meeting may be very formal (the student may be expelled or dismissed from the institution) or informal (more conversational). Upon meeting with the student, the SCA or panel typically talks the student through the student conduct process, explains the rights and responsibilities of the student, discusses the alleged incident and gives the student an opportunity to tell his or her side of the story, and makes a determination as to whether the student has violated the code of conduct. If it is determined that there has been a violation, the SCA or panel then decides on the response from the university. The case may require more investigation, a panel may be required to hear the case, or the SCA may simply determine responsibility and decide what sanction will be imposed. Depending on the campus, these sanctions can range from expulsion to a warning and may include a variety of educational activities, such as community service, meeting with an administrator, attending a workshop, forfeiting privileges, and so on, with the intention of providing the student a learning opportunity.

The most common model is that of a middle-level student affairs professional, most often associated with the dean of students office or the office of residence

life, who administratively handles relatively minor violations and presents

serious cases to a hearing board for final disposition. (Lowery, 2011, p. 210)

In today's environment, SCAs are often under scrutiny by upper-level

administrators, parents, lawyers, and students. Attendance at institutions of higher

education has long been considered by the courts to be a property or liberty interest

(Wood & Wood, 1996). When SCAs must decide whether a student should be

disciplined based on behavior and perhaps whether a student should be separated,

temporarily or permanently, from an institution, a property or liberty interest is asserted.

In many instances, the SCA holds the fate of a student's continued enrollment. This is

not a responsibility that should be taken lightly.

Kaplan and Lee (2007) noted that the more severe the punishment to a student,

the more process is due to that student. Given the influence of the court system on the

procedures required to uphold fundamental fairness, as well as the balance of student

development and the needs of the community, it is essential that SCAs be prepared and

highly trained. However, despite training and experience, the complex decisions that

SCAs make involve human judgment. This judgment involves assessing various

situations, understanding both the legal and developmental implications, and drawing

conclusions that may affect both the student and the community adversely. Thus,

studying the moral orientation of SCAs, focusing on how decisions are made, could

improve understanding of those who serve as SCAs and help them to prepare for

undertaking the responsibilities of student discipline. The approach that SCAs take in

reaching decisions of responsibility and appropriate sanctioning is the focus of this research study.

Problem Statement and Purpose of the Study

The field of student conduct is relatively young, considering when higher education institutions were founded in the United States. Harvard University was established in 1636, and the landmark Supreme Court decision in *Dixon,* requiring public colleges and universities to provide due process to students within the student conduct process, was decided in 1961. Prior to this case, most issues of student behavior were handled by the president of the institution or by faculty committees (Brady & Snoxell, 1965).

Because of its short history, it stands to reason that research on professional SCAs has been limited. Swinton (2008) conducted an extensive review of the literature on the student conduct profession and found that the research included the requirements of the procedural process, the application of the process, and the impact of these procedures on students. Little research has addressed SCAs. Nagel-Bennett (2010) attempted to address this gap by examining the job satisfaction of chief SCAs. She found that, overall, chief SCAs were satisfied in their positions, although men were more satisfied than women. Nagel-Bennett also explored the issue of intent to stay and found that men, those who were older, those who anticipated advancement opportunities, and those who had a sense of balance between work and personal life were more likely to stay in their current positions. She suggested that further research was needed to examine the orientation of decision making by SCAs (Nagel-Bennett, 2010).

Drawing on the recommendation for further research, a search of literature on student conduct administrators was undertaken for the current study. The U.S. justice system has determined that higher education is a property right and that, before this right can be taken away, students must be afforded due process (*Goss et al. v. Lopez*, 1975). Given the weight of their decisions, understanding how SCAs is important. The decisions that these people make affects students and higher education institutions. The SCAs must be versed in current legal issues, student development theory, alternative dissolution practices, and assessment and evaluation of student learning that comes into play through the student conduct process.

It is important to consider how decision making occurs. Kohlberg and Gilligan individually developed cognitive development theories of decision making. Lawrence Kohlberg, the seminal researcher on moral judgment, has spent more than 40 years studying how people navigate moral conflicts. Reimer (1977) aptly stated, "What Kohlberg means by moral judgment is how a person decides which values to act on and whose claims to respect in a situation of moral conflict" (p. 61). According to Kohlberg, people progress through stages of moral judgment and ultimately focus on the concept of universal justice. Kohlberg's theory focuses on what values are used and which "right" is used to make decisions (Reimer, 1977).

> Kohlberg's model of moral reasoning reflects a justice orientation and is
> characterized by a focus on adjudicating between individual interests or rights in
> solving moral dilemmas. This orientation is predicated on impartiality, fairness,

reciprocity and the application of universal moral principles. (Simola, Barling, &

Turner, 2010, p. 180)

Carol Gilligan, a student of Kohlberg, began to notice a gender difference when she studied the moral development of women. She saw that women were continually assessed as less developed, according to Kohlberg's theory. She posited that some people may focus on an ethic of care rather than on universal justice.

To understand how the tension between responsibilities and rights sustains the

dialectic of human development is to see the integrity of two disparate modes of

experience that are in the end connected. While an ethic of justice proceeds from

the premise of equality–that everyone should be treated the same–an ethic of care

rests on the premise of nonviolence–that no one should be hurt. (Gilligan, 1993,

p. 174)

She developed an alternative theory that expressed the voices of women.

Within Gilligan's perspective, individuals demonstrating a care orientation would

not focus on adjudicating between competing rights as would be the case in a

Kohlbergian perspective. Instead, a care orientation would focus on identifying

creative ways of simultaneously fulfilling competing responsibilities to others.

(Simola et al., 2010, p. 181)

When taken together, the two theories form a well-rounded picture of cognitive development (Brabeck, 1983).

The issue of SCA decision making is examined in this study through both Kohlberg's and Gilligan's theories of moral development. This study examined four research questions:

1. Do SCAs use an *ethic of justice* to make decisions in their positions? If so, how?

2. Do SCAs use an *ethic of care* to make decisions in their positions? If so, how?

3. Does moral reasoning contribute to decision making by SCAs? If so, how?

4. Does gender contribute to decision making by SCAs? If so, how?

Researcher's Relationship to the Problem

My interest in the field of student conduct began during my time in graduate school. At several times in my life I have had an interest in attending law school and was fascinated to learn about an area of higher education that encompassed the legal concepts of due process and fundamental fairness. My first position in graduate school was that of a graduate hall director, which encompassed supervising student staff in a residence hall, overseeing the front desk operations, and advising a student organization. As a graduate hall director, I was trained to hear violations of residence hall policies and to assign sanctions to students. Each year, the conduct office published a list of persons who had heard the most cases. In my second year of graduate school I was listed as second highest in the department of residence life; my direct supervisor was the only one who had heard more cases.

After graduation, my career took me down a path in residence life. I was fortunate that student conduct was always a component of my job. It was not until I was hired at Texas A&M University that student conduct became a larger segment of my position. I was assigned a functional area in residence life that oversees student conduct in all residence halls on campus.

I have served as a staff member on a panel of three persons who adjudicate cases in which the student could be separated, temporarily or permanently, from the university. I have also served as the chairperson for these panel hearings.

Most recently, I moved into a new position. I now serve as the Executive Director for the Association for Student Conduct Administration (ASCA). ASCA is the national professional association dedicated to providing resources and education to persons doing student conduct work on college campuses. All of these experiences have allowed me to immerse myself in the field of student conduct.

My interest in studying SCAs solidified when discussing potential dissertation topics with a committee member. He suggested that I look in other dissertations at the implications for further research. He suggested one dissertation in particular that studied the job satisfaction of chief judicial officers. Exploring this idea, I learned that there was very little research on SCAs, despite the pivotal role that they play in the university and students' lives. I found that I could combine my love of student conduct with research that needed to be conducted.

Definition of Terms

The following terms are defined as they are used in this study, unless stated otherwise.

Care: The concept of care is defined as having compassion or empathy. Gilligan (1993) described *care* as no one being hurt. Kitchener (1985) expanded on the ethical principle of "do no harm" or "not engaging in activities that run a high risk of harming others" (p. 21).

Justice: The concept of justice is defined as rules or fairness. Kitchener (1985) asserted that justice has three standards: impartiality, equality and reciprocity. Gilligan (1993) also asserted that the concept of justice involved treating individuals the same.

Mid-level student affairs administrators: People who work in a functional unit in the Division of Student Affairs. "They may be classified as administrators, professionals, technicians, or specialists, and their positions tend to be differentiated by functional specialization, skills, training and experience" (Rosser, 2000, p. 5). Scott (2000) indicated that these professionals have approximately 5 to 8 years of experience and some budget or personnel responsibilities.

Student Conduct Administrator (SCA): A person who works full time in a college or university conduct office. Dannells (1988) described four levels of involvement for those who working with student discipline. This study focuses on those with "full involvement, with action in all minor cases and referral of major cases to a judicial body on which the administrator sits as chairperson and final authority" (p. 141).

Organization of the Study

This dissertation is divided into five chapters. Chapter 1 presents an overview of the problem. Chapter 2 is a review of the literature on higher education, student affairs, and student conduct, as well as moral reasoning. Chapter 3 describes the methods of the study, outlining the paradigm utilized through the study. Chapter 4 describes the participants in the study and presents the results of the research to address the research questions. Chapter 5 presents the findings, with consideration of the implications for practice and recommendations for further research.

CHAPTER II

REVIEW OF RELATED LITERATURE

This chapter describes how the evolution of the field of student conduct evolved into the student conduct profession and provides an overview of the concept of moral reasoning. The format for the chapter is as follows: (a) a brief history of higher education in the United States, (b) a brief history of student affairs, (c) a history of student conduct, (d) relevant research on SCAs, (e) a description of moral reasoning, (f) a description of an ethic of justice, (g) a description of an ethic of care, and (h) relevant research on an ethic of justice and an ethic of care.

History of Higher Education

In order to understand today's SCAs, it is important to comprehend how student conduct has evolved throughout the history of higher education. This section provides a brief outline of the history of higher education, as well as a brief history of student affairs service, which was foundational in the development of student conduct.

The first institution of higher education in the United States was founded in 1636, when Harvard College was chartered. According to Thelin (2004), students and teachers lived and worked together in a shared experience that was similar to the Cambridge-Oxford model in England. The early colonial colleges were created to provide young men an education to prepare them for leading their communities. "Most students came from affluent families, and religious education was a central part of the collegiate experience for these young men" (Hamrick, Evans, & Schuh, 2002, p. 4). During colonial times and the early formation of the United States, many colleges and

universities were founded; those that survived to modern times have become known as liberal arts institutions (Hamrick et al.). These institutions continue to operate and many have become aspirational to institutions founded in later years.

Two events helped to transform higher education in the late 1800s. The first event was the passage of the Morrill Act in 1862, which "established a complex partnership in which the federal government provided incentives for each state to sell distant Western lands, with the states being obliged to use the proceeds to fund advanced instructional programs" (Thelin, 2004, p. 76). The concept was to create institutions that focused on "useful arts" such as agriculture and engineering instead of liberal arts (Thelin, 2004). The other event that helped to transform higher education was the founding of Johns Hopkins University in 1876. Until that time, most institutions had been established on the English model of higher education, in which students and faculty lived together and faculty had responsibility for all aspects of the students' lives. However, John Hopkins University was created with a research focus, which is reminiscent of the German model of higher education (Bogue & Aper, 2000). The emphasis on useful arts and research significantly changed the landscape of higher education. As faculty became focused on the useful arts and research, they had less time to spend on the out-of-classroom education of students, which included supervising students and student activities. During this time, administrative positions were created in higher education institutions to address student issues outside of the classroom.

History of Student Affairs

According to Nuss (1996), the history of student affairs goes hand in hand with the history of higher education. At the inception of higher education, faculty were charged with overseeing all aspects of a student's life. "Colonial colleges were empowered to act in loco parentis. The system of discipline was paternalistic, strict and authoritarian" (p. 24). Through the 19th century, the faculty continued in this role but also became involved in the supervision of the students' social activities, including clubs and organizations. In addition, the faculty role was changing. The influence of the German model of higher education and a focus on research took more and more of faculty members' time. Faculty members often decided who would serve in the roles governing students' activities.

Eventually, full-time positions were created, such as Dean of Men and Dean of Women, to focus on students' out-of-classroom lives, such as student conduct, and the faculty members were allowed to concentrate on teaching and research. Further, the type of student entering higher education was changing with the entry of women and African Americans into higher education. According the Rhatigan (2009), the first Dean of Men was LeBaron Russell Briggs, who was hired by Harvard College in 1890. Duties associated with the Dean of Men included "an emphasis on the welfare of the whole student, responsibility for student discipline, and a genuine care for offering students advice and support" (Rhatigan, 2009, p. 5). The Dean of Women position was similar to that of Dean of Men, but the women were also entrusted to deal with issues specific to

women, especially as many people believed that women were not capable of higher education.

Both Deans of Men and Deans of Women found support through their colleagues on other campuses. "In 1910 a group of deans of women came together at the American Association of University Women (AAUW) meeting and concluded that it would be useful to have their own organization" (Nuss, 1996, p. 29). The first meeting for Deans of Men occurred in 1919, hosted by the University of Wisconsin. This group eventually evolved into the NASPA. As Dean of Women positions began to be eliminated and the position of Dean of Men became that of Dean of Students, the National Association of Women Deans and Counselors, which had been formed to support Deans of Women, was dissolved (Nuss, 1996).

Another area that developed during this time was that of the personnel worker. Walter Dill Scott, who became president of Northwestern University in 1919, focused on the vocational aspect of students' lives (Rhatigan, 2009). The focus on specialized areas of students' lives led to formation of other professional associations to address specific needs. For example, the Association of Collegiate Registrars and Admissions Officers was established in 1910 and the National Orientation Directors Association was founded in 1937 (Nuss, 1996).

After World War II and enactment of the Serviceman's Readjustment Act (G.I. Bill), students flooded into institutions of higher education. Many of the students were older, were married, and had children, as well as having experienced war and the trauma that resulted. "They were pragmatic, hardworking and in a hurry to complete their

degrees" (Thelin, 2004, p. 266). "The swelling of postwar enrollments signaled the need

for massive construction of laboratories, classroom buildings and dormitories" (p. 265).

More and more positions were created to support students' lives and student affairs as

the budding profession began to have a place in colleges and universities. Other

specialized areas formed, such as housing and dormitory administrators, student

activities administrators, student counseling, and many others to meet the needs of

students on campus. However, the Dean of Student continued to act in the role of the

campus disciplinarian, a role that continues on many campuses today.

History of Student Conduct

The issue of addressing student behavior began with the founding of colleges and

universities. Gehring (2006) indicated that every aspect of a student's life was regulated

through explicit codes of conduct. The history of student conduct in the United States

can be divided into two major eras: *in loco parentis* and the due process era.

In Loco Parentis

The term *in loco parentis* means "in the place of the parent." When colleges and

universities were founded in the United States, they catered to the education of young

men, almost all of whom were minors. The typical age of a student attending an

institution of higher education during the colonial era was 16. Thus, the relationship that

colleges and universities had with students and parents was very different from that of

the present day. Minor students needed a more parental role as they attended to their

education. According to Bickel and Lake (1999), "*In loco parentis* promoted the image

of the parental university and insured that most problems were handled within the university, by the university, and often quietly" (p. 17).

The concept of *in loco parentis* goes back to English law. The term was first used by Sir William Blackstone, a prominent judge during the 18th century.

> Blackstone commented on English law to the effect that: the father "may also delegate part of his parental authority, during his life to the tutor or schoolmaster of his child; who is then *in loco parentis*, and has such a portion of the power of parent committed to his charge, *viz.* that of restraint and correction, as may be necessary to answer the purposes for which his is employed." (Bickel & Lake, 1999, p. 19)

The concept entered the American educational system through the writings of Chancellor James Kent, a law professor and judge in Chicago during the early 1800s. According to Bickel and Lake (1999), "Chancellor Kent asserted that *in loco parentis* was the law of the schoolmaster" (p. 21). The notion entered the legal system in the 1860s in a case involving Wheaton College. The institution had prohibited its students from joining secret societies; the students sued the university, questioning its authority to make such rules. The court ruled,

> A discretionary power has been given them [the college] to regulate the discipline of their college in such manner as they deem proper and so long as their rules violate neither divine nor human law we [the court] have no more authority to interfere than we have to control the domestic discipline of a father in his family. (*People ex rel. Pratt v. Wheaton College*, 1866, p. 187)

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Two other court cases solidified the doctrine in the early 20th century: *Gott v. Berea College* (1913) and *Stetson University v. Hunt* (1925). Both cases involved students' off-campus behavior. The *Gott* case involved the college prohibiting students from going to a local restaurant/pub close to campus. The owner, Gott, sued the college, alleging that the college was harming his business. The court ruled that the institution could regulate student behavior both on and off campus. The *Hunt* case involved a student who had been expelled from the university for being disruptive in the dormitory.

> There are three indelible features of the *Gott/Hunt in loco parentis* model. First, the power *in loco parentis* was one to discipline, control and regulate. Second, the power was paternal–by analogy to the family and directly as a function of the delegation of *parens partria* (the parental power of the state). Third, the power was a contractual delegation of authority among state, trustees, and officials; students were not contracting parties but were subjected to, and governed by, the contract. (Bickel & Lake, 1999, p. 23)

The precedent set in these two cases established the practice of student discipline on college campuses for the next several decades. It allowed colleges and universities to govern student behavior as they saw fit without interference. "*Gott* defined the student-institutional relationship for almost forty-eight years until the decision in *Dixon v. Alabama State Board of Education*" (Fowler, 1984, p. 408). This decision forever changed higher education and student affairs.

Due Process

The *Dixon* decision, considered to be the seminal decision in higher education

case law, changed the relationship between the student and the institution. According to

Young (1974), "The landmark *Dixon* case in 1961 marked the beginning of a new era of

student rights. That case granted to students in public colleges the right to all due

process protection in any disciplinary proceeding which involved long-term suspension

or expulsion" (p. 62). The case involved six students who had been expelled from

Alabama State University after participating in a protest at the local courthouse. The

students sued the institution, alleging that they had been expelled without notice or

hearing (Bickel, 2008). During the case, the court applied the Fourteenth Amendment to

public institutions of higher education:

> No State shall make or enforce any law which shall abridge the privileges or
>
> immunities of citizens of the United States; nor shall any State deprive any
>
> person of life, liberty, or property, without due process of law; nor deny to any
>
> person within its jurisdiction the equal protection of the laws. (U.S. Constitution,
>
> Amendment XIV, § 1)

Judge Rives, writing for the Court, stated "Whenever a governmental body acts so as to

injure an individual, the Constitution requires that the act be consonant with due process

of law" (*Dixon,* 1961, p. 155). In short, public colleges and universities act as part of the

state and therefore must grant students constitutional rights. This meant that public

institutions of higher education could no longer act without interference and must

provide a process that included some kind of notice and hearing before students could be

removed from the institution. Although private institutions are not required to provide students with due process, this concept is considered the norm in higher education; therefore, many private colleges and universities contract with their students to extend due process to them through the student conduct process (Lowery, 2011).

While issues of due process were making their way through the court system, the student population in higher education had changed. With the implementation of mandatory attendance at elementary and secondary education, students attending colleges and universities were no longer adolescents, but young adults. As institutions of higher education were changing their relationship with students, the people of the United States were changing the Constitution. The Twenty-Sixth Amendment was ratified in 1971, "giving all citizens eighteen years of age and older the right to vote" (as cited in White, 2007, p. 327). According to Sarabyn (2008), "The right to vote carries special significance because it is prior to all other rights and responsibilities; it determines who has a say in setting the rights and responsibilities of all citizens" (p. 53). This meant that college students were no longer adolescents but adults, with full privilege of law. The institutions were no longer in parental roles; "the entire parental rights paradigm was dead" (Bickel & Lake, 1999, p. 42).

Case Law Affecting Due Process

Further case law has affected SCAs and their role in higher education administration. As stated, *Dixon* was a landmark case for colleges and universities in that it applied Constitutional rights to students. In another landmark case, *Tinker et al. v. Des Moines Independent Community School District, et al.* (1969), Justice Fortas,

writing for the Court stated, "It can hardly be argued that either students or teachers shed their constitutional rights of freedom of speech or expression at the schoolhouse gate" (p. 506). Although the case involved students in secondary education, it was an important step in applying Constitutional law to education. In *Healy et al. v. James et al.* (1972), the Supreme Court applied the *Tinker* decision to higher education: "At the outset we note that state colleges and universities are not enclaves immune from the sweep of the First Amendment" (p. 180). These three cases have been foundational in applying case law to education, specifically Constitutional rights to students. Instead of simply making decisions in place of parents, SCAs must be versed in basic Constitutional rights that are required of educational institutions.

Case law involving institutions of higher education continued to evolve. In the midst of the three cases cited above, *Esteban v. Central Missouri State College* (1969) was decided. The case involved two students who had been suspended after participating in a demonstration. The court determined that colleges and universities had the right to impose a standard of conduct on students that is "relevant to a lawful mission, process or function of the educational institution" (p. 1088). The colliding of Constitutional rights for students with the imposition of standards of conduct within the lawful mission of the institution required colleges and universities to have administrators who were versed in rules, regulations, and due process.

In 1976 the U.S. Supreme Court, in *Mathews v. Eldridge*, set forth guidelines for procedural due process. According to Wood and Wood (1996), the *Mathews* test has three elements that must be considered: (a) "the nature of the private interest that will be

affected by the official action" (p. 3), (b) a balance between the potential loss to the student and the steps required to ensure an appropriate decision, and (c) a balance between the university's interest and the additional steps required to ensure fairness. In *Alcorn v. Vaksman* (1994) the court laid out the requirement more clearly for higher education: "When a student is dismissed for disciplinary reasons, notice of charges, notice of evidence to be used against the student and a hearing are required" (p. 397). Wood and Wood (1996) summarized, "The stronger the possible penalty, the more process is due" (p. 2).

SCAs must understand the concept of due process and how it should be enacted at an institution of higher education. Wood and Wood (1996) delineated the need to understand the difference between *procedural* and *substantive* due process.

Procedural due process refers to whether the methods used to restrict a property or liberty interest were carried out fairly [and] substantive due process refers to the content or subject matter of a rule or law that governs a liberty or property interest. (p. 2).

The concept of due process requires more than understanding hearings and notice; it also requires knowledge of fundamental fairness and the ability to discern the facts of a case to determine whether the exhibited behavior violated a student rule. Student conduct administrators must act in "good faith." Wood and Wood (2001) asserted that *Dixon* (1961) and *Esteban* (1969) continue to be foundational in procedural due process in higher education.

SCAs must distinguish which components of due process are required to ensure fairness. For example, the SCA must provide notice to a student that a rule may have been violated and must provide a hearing at which the student has the opportunity to be heard. However, due process can be more complicated, and the SCA must know whether attorneys are allowed to be present, what the standard of proof will be, whether students may cross-examine witnesses, and whether a student can remain silent throughout the hearing (Wood & Wood, 1996). These concepts are contextual and driven by individual campus rules and procedures.

Being able to understand the campus environment and integrate it into the requirements set forth by the student rules is an important role of the SCA. The SCA must balance competing demands of the institution, the student, and what is in the best interest of everyone involved in the potential violation of the rules. During the course of a hearing, many questions should be answered, for example, "Was a specific rule, policy, or law violated? Is the evidence sound? Are the witnesses credible? Were there mitigating circumstances, such as extreme provocation or mistaken identity? Other issues to consider include the type and severity of the offense?" (Wood & Wood, 1996, p. 9). These questions demonstrate the complexities of the daily work life of the SCA.

Another area of law with which SCAs must be familiar concerns evidentiary standards utilized by the institution. The General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education (Code of Federal Regulations, 1968) is very clear that student conduct proceedings should not mirror the criminal process, rather that the fundamental

focus for colleges and universities is education and learning. According to Wood and Wood (1996), most colleges and universities use a *preponderance of evidence* standard, which means that it is "more likely than not" (p. 9) that a violation of the student code of conduct may have occurred. This standard is utilized in civil proceedings. Some campuses may use a *clear and convincing* standard, which lies between *preponderance of evidence* and *beyond a reasonable doubt*. However, in a letter issued by the Office of Civil Rights in the U.S. Department of Education (Ali, 2011), colleges and universities were instructed to use the preponderance of evidence standard in student conduct cases involving sexual assault and harassment.

In addition to the case law that affects student conduct hearings, federal and state legislation can play a role in the daily lives of SCAs. According to Lowery (2008), more than 180 federal laws relate to higher education, but those that most closely influence student conduct are the Family Educational Rights and Privacy Act (FERPA), the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act, Title IX of the Educational Amendment of 1972, and the Drug-Free Schools and Communities Act.

FERPA governs the privacy of student records. According to Lowery (2011), FERPA "was intended to protect the privacy of student records by limiting their release to third parties and guaranteeing students' right of access to their own education records" (p. 213). One responsibility of an SCA is to maintain case files for students alleged to have violated the student code of conduct. SCAs must understand who has access to this file and who does not, as required by FERPA, and must be able to communicate this

information to students, parents, external stakeholders, and other university administrators. FERPA was amended by the Student Right-to-Know and Campus Security Act of 1990, which allows the victim of a crime of violence or nonforcible sex offense to be notified of the outcome of the campus disciplinary process (Lowery, 2011).

The Jeanne Clery Disclosures of Campus Security Policy and Campus Crime Statistics Act requires colleges and universities to publish an annual security report that is distributed to all current students and employees. A summary of the report must be provided to prospective students and employees. The institution must also provide information specifically with regard to sexual assault, including campus conduct procedures. The Clery Act identifies SCAs as campus security authorities with responsibility for reporting information relating to arrests and referrals for student conduct action.

Title IX of the Education Amendments of 1972 is most closely associated with collegiate athletics. However, the legislation also encompasses the issue of sexual harassment and discrimination.

> In considering both civil liability and potential action by the U.S. Department of Education for violations of Title IX, student conduct administrators must ensure that the institution has systems in place to appropriately address student on student sexual harassment, including sexual assault. (Lowery, 2008, p. 87)

In April 2011, the Office of Civil Rights in the U.S. Department of Education issued a letter to higher education institutions clarifying Title IX requirements and outlining the responsibilities of institutions to end sexual harassment on campus (Ali, 2011).

The Drug-Free Schools and Communities Act requires colleges and universities to notify current students and staff about issues related to alcohol and other drugs. The notification must include conduct sanctions for violations of the student code of conduct specifically in reference to alcohol and other drugs. Further, institutions are required to complete a biennial review to ensure consistency of reporting and to revise policies as necessary. SCAs must stay abreast of the changing landscape of both federal and state legislation in order to comply and for their institution to maintain good standing with the government.

It is important to note that the case law and legislative changes chiefly affect students at public institutions. Students who attend private colleges and universities have a very different relationship with the university. According to Wood and Wood (2001), "When students are faced with discipline at private colleges and universities, constitutional protections do not exist" (p. 4). Bickel and Lake (1999) asserted that the relationship between private colleges and students is contractual. However, Stoner and Lowery (2004) encouraged private institutions to grant students minimal due process, as this would be both fair and reasonable to the courts and the campus community. Above all, Stoner and Lowery urged that both public and private institutions follow the standards that they have implemented on their campus. SCAs must know the differences between public and private institutions and how these differences affect the conduct process. They must be able to articulate these differences to students and parents, as well as internal and external stakeholders.

Research on SCAs

While the history of higher education and student conduct is well known, there is little research on SCAs, who play an important role in higher education administration. Their discretion is needed to navigate the legal mandates of due process, as well to provide opportunities for students to grow and develop.

Lancaster and Waryold (2006) indicated that only recently have SCAs been considered "as members of a group of professionals" (p. I). SCAs developed as a profession when a group of student conduct professionals started to meet at the annual Stetson Law and Higher Education Conference, sponsored by Stetson University, in the mid-1980s. At the first session Dr. Donald D. Gehring presided over a packed room and agreed to serve two terms as president of this new organization, the Association for Student Judicial Affairs (ASJA). The first conference was held in 1989 and had approximately 160 people in attendance. In 1991 the ASJA established a central office on the campus of Texas A&M University as volunteer members employed at the institution had overseen the membership and financial transactions for the association. In 1993 ASJA developed a summer institute based on the association's professional core competencies. In 2005 a full-time Executive Director was hired to oversee the central office functions and serve the needs of the Board of Directors. In 2008 the ASJA was changed to ASCA to reflect more accurately the roles and responsibilities of its members on college campuses. ASCA has grown to over 2,200 members representing all 50 states and several countries. The creation of ASCA prompted development of the

Journal for Student Conduct Administration and has stimulated research on the profession.

Stimpson and Stimpson (2008) reviewed the literature on student conduct in peer-reviewed journals or books between 1980 and 2007. They found that previous research could be classified in eight categories: administration, assessment, characteristics of student offenders, history, mediation, sanctioning, student development, and training. In the area of administration, four studies addressed SCAs, specifically who was responsible for student conduct on a college and university campus. Other studies in the area of administration focused on the organization of the conduct process, elements for conduct codes, models of adjudication, differences between the student conduct process and the criminal process, and how to manage student records. They found no studies that specifically addressed SCAs as professionals. Swinton (2008) also conducted an extensive review of the literature on the student conduct profession and found that primary research focused on the requirements of the procedural process. This research is often found in law journals, may contain an historical analysis, and is informative regarding current legal status. This area of research is frequently legalistic in nature. Another area of research on the student conduct profession centers on the hybrid approach to the application of the conduct process. These studies focus on a combination of legal processes and student development approaches. Swinton (2008) highlighted research in the application area. This area centers on research on the actual practice of student conduct and "offers concrete, tangible suggestions to administrators as to proper principle implementation"

(p. 8). The final area of research on the student conduct profession focuses on the

impact of student conduct procedures on students. The literature review demonstrated

that little to no research had addressed SCAs. Yet, Fischer and Maatman (2006) stated,

"Student conduct practitioners often find themselves at the intersections of competing

value systems—institutional, legal, ethical, and individual" (p. 14).

Nagel-Bennett (2010) attempted to address the dearth of SCA research by

studying chief SCAs at 4-year public institutions. Utilizing a national survey, Nagel-

Bennett explored job satisfaction based on Herzberg's dual-factor theory and the intent

to stay or leave the position of chief SCA. She found that 86.4% of SCAs were satisfied

with their job but noted differences between genders, finding men to be more satisfied.

Regarding intrinsic variables of job satisfaction, such as advancement, recognition,

responsibility, and the work itself, 51% of participants were satisfied in their current

role. Regarding extrinsic variables, such as balance of work and personal life, job status,

relationship with colleagues, and work conditions, 66% of the participants were satisfied

in their current position. Nagel-Bennett also found that participants who were satisfied

with the intrinsic variable of advancement and the extrinsic variable of work-life balance

were older, and males were more likely to stay in their current role. They reported that a

majority (84%) of the respondents planned to stay in their current position for the next

year. The findings in that study provided the first solid foundation for research about

SCAs as professionals.

Moral Reasoning

Understanding the evolution of SCAs is foundational for studying them as much as understanding moral reasoning. This section outlines the development of moral reasoning and reviews research in this area.

Any study addressing moral reasoning must include the work of Lawrence Kohlberg. His seminal work, *Stage and Sequence: The Cognitive Developmental Approach to Socialization,* in 1969, set the foundation for moral reasoning in young adults. Kohlberg sets himself apart from other theorists in moral reasoning by studying "the dynamics of the moral decision-making process" (Reimer, 1977, p. 61). Kohlberg focused on how individuals make decisions rather than just looking at the values affecting those decisions.

Although Kohlberg studied both men and women in his more than 50 years of research, Carol Gilligan, who studied under Kohlberg, began to notice a difference between the way men and women approach moral decision making. She published *In a Different Voice: Psychological Theory and Women's Development* in 1982, positing a justice component and a care component to moral reasoning (Gilligan, 1993).

An Ethic of Justice

The work of Lawrence Kohlberg has become a significant part of the research on moral reasoning and decision-making. Kohlberg created his theory to build on the work of Piaget, who was one of the foremost experts in child development (Colby & Kohlberg, 1990). Kohlberg developed a six-stage model consisting of three levels, with

two stages in each level. The three levels are (a) preconventional, (b) conventional, and (c) post-conventional.

One way of understanding the three levels is to think of them as three different types of relationships between the self and society's moral rules and expectations. From this point of view, Level 1 (pre-conventional) is a perspective from which rules and social expectations are something external to the self; in the Level 2 (conventional) perspective the self is identified with or has internalized the rules and expectations of others, especially those of authorities; and the Level 3 (post-conventional) perspective differentiates the self from the rules and expectations of others and defines moral values in terms of self-chosen principles. (Colby & Kohlberg, 1990, p. 16)

The levels and stages are thought to be progressive and hierarchical. As one develops and grows, one should move through the stages and levels. Figure 1 demonstrates how the levels and stages are connected.

In Level 1, the preconventional, the first stage is called heteronomous morality. In this stage, the individual will obey the rules for the purpose of avoiding punishment (Colby & Kohlberg, 1990). The individual does not question whether the rules are right or wrong; rules are obeyed simply to avoid punishment. "The pre-conventional level is the level of most children under age 9, some adolescents and some adolescent and adult criminal offenders" (p. 16). In addition, right or wrong is defined by an external authority figure. Stage 2, within Level 1, is called individualistic, instrumental morality. At this stage the individual follows the rules when it is in his/her best interest. The
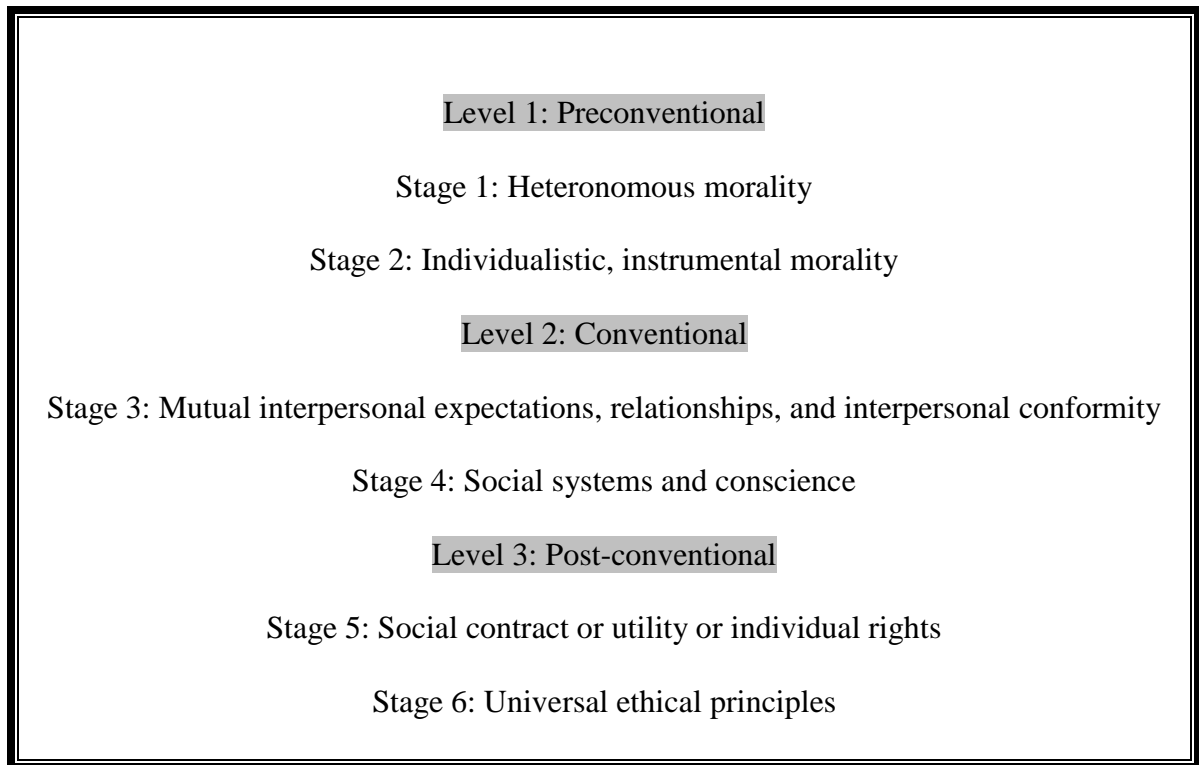
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│                                                                       │
│                   Level 1: Preconventional                            │
│                                                                       │
│                 Stage 1: Heteronomous morality                        │
│                                                                       │
│            Stage 2: Individualistic, instrumental morality            │
│                                                                       │
│                    Level 2: Conventional                              │
│                                                                       │
│   Stage 3: Mutual interpersonal expectations, relationships, and      │
│            interpersonal conformity                                   │
│                                                                       │
│                Stage 4: Social systems and conscience                 │
│                                                                       │
│                  Level 3: Post-conventional                           │
│                                                                       │
│           Stage 5: Social contract or utility or individual rights    │
│                                                                       │
│                 Stage 6: Universal ethical principles                 │
│                                                                       │
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Figure 1. The levels and stages of moral development. Adapted from "Moral Stages and Moralization: The Cognitive-Developmental Approach," by L. Kohlberg, in T. Lickona (Ed.), *Moral Development and Behavior* (p. 34)*,* 1976, New York, NY: Holt, Rinehart & Winston.

individual recognizes that each individual person has personal own needs and should act

according to those needs. In this level, the rules and expectations of society are external

to the individual, who does not identify with the rules and expectations but simply abides

by them (Colby & Kohlberg, 1990).

In Level 2, the conventional level, the individual starts to understand that he/she

is a member of society and, as such, has responsibilities to uphold societal expectations.

Stage 3 consists of mutual interpersonal expectations, relationships, and interpersonal

conformity. In this stage, the individual is concerned with living up to the expectations

of persons to whom the individual is close. The individual is also concerned with the thoughts and feelings of others. He/she has "belief in the Golden Rule" (Colby & Kohlberg, 1990, p. 18); therefore he/she has a personal desire to maintain rules and expectations. Individuals in Stage 3 are concerned about maintaining trust and the approval of others. In Stage 4, social systems and conscience, the individual upholds the law except when it may contradict with other laws or expectations, with the purpose to maintain order in society (Colby & Kohlberg, 1990).

According to Colby and Kohlberg (1990), "The conventional level is the level of most adolescents and adults in American society and in most other societies" (p. 16). A person at this level has internalized the rules and expectations of society and has made those rules and expectations a part of his or her identity. "Moral judgments at Stage 4 are made in reference to institutions or systems–with legal or social institutions or moral and religious institutions and systems of belief" (p. 28). At this level, an individual has incorporated societal expectations into his/her own identity.

In the postconventional level, Level 3, the individual has developed a set of principles that define personal morals. Stage 5 is a social contract or utility or individual rights. A person in this stage understands the rules and expectations of society and has agreed to uphold these rules and expectations because he/she feels an obligation to society and the welfare of others. Stage 6 is universal ethical principles. In this stage the individual has developed a personal set of ethical principles that are in line with societal expectations. According to Colby and Kohlberg (1990), "Principles are universal principles of justice: the equality of human rights and respect for the dignity of

human beings as individual persons" (p. 17). Most individuals do not reach the postconventional level; if they do, it is only after reaching their twenties (Colby & Kohlberg, 1990).

Kohlberg's research on moral reasoning has become a seminal body of research in human development. In the 50 or more years since it was introduced, many researchers have evaluated and critiqued the theory. One such researcher, Carol Gilligan, asserted that Kohlberg's theory placed women at a disadvantage.

An Ethic of Care

Carol Gilligan, a professor at Harvard University, began to see a difference in the way men and women think about moral decision making. In 1982 and again in 1993, Gilligan stated, "Listening to women, I heard a difference and discovered that bringing in women's lives changes both psychology and history. It literally changes the voice: how the human story is told, and also who tells it" (1993, p. xi). Building on the work of Kohlberg, who constructed a theory with six stages, Gilligan acknowledged that women were missing from the research and began to study women's moral decision making. G illigan described the need to study women:

> Since it is difficult to say "different" without saying "better" or "worse," since
> there is a tendency to construct a single scale of measurement, and since that
> scale has generally been derived from and standardized on the basis of men's
> interpretations of research data drawn predominantly or exclusively from studies
> of males, psychologists have tended to regard male behavior as the norm and
> female behavior as some kind of deviation from that norm. Thus when women

do not conform to the standards of psychological expectation, the conclusion has generally been that something is wrong with the women. (Gilligan, 1993, p. 14)

Drawing on three research studies that she conducted—the college student study, the abortion study, and the right and responsibilities study, Gilligan began to develop a theory of moral reasoning about women that deviates from that for men. The college student study involved 25 sophomores who were randomly selected from a class involving moral and political choices. The participants were interviewed at the onset of the study, again when they were seniors, and once more 5 years after graduating from college. The abortion study, which "considered the relation between experience and thought and the role of conflict in development" (Gilligan, 1993, p. 3), involved 29 women who were in their first trimester of a pregnancy and were contemplating having an abortion. The women were interviewed at the beginning and again 1 year later.

The results of the college student study and the abortion study were used to develop hypotheses for the rights and responsibilities study. According to Gilligan (1993), "This study [the rights and responsibility study] involved a sample of males and females matched for age, intelligence, education, occupation, and social class at nine points across the life cycle: ages 6–9, 11, 15, 19, 22, 25–27, 35, 45 and 60" (p. 3). The data collected involved the participants' sense of self-concept and morality and explored a variety of moral conflicts, both real and hypothetical.

The findings from all three of these studies built on one another to become the basis for Gilligan's theory of moral development. She theorized that men and women approach moral dilemmas differently; thus, an alternative view of moral reasoning was

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created. Gilligan indicated that men are socialized to separate from others, whereas women are socialized to connect with others: "Women's place in man's life cycle has been that of nurturer, caretaker, and helpmate, the weaver of those networks of relationships on which she in turn relies" (Gilligan, 1993, p. 17). From this position, the ethic of care is developed. "While an ethic of justice proceeds from the premise of equality—that everyone should be treated the same—an ethic of care rests on the premise of nonviolence—that no one should be hurt" (p. 174).

Gilligan's (1993) model is also based on a three-stage system. She replicated Kohlberg's design with preconventional, conventional, and postconventional stages. However, Gilligan included areas of transition between the stages. Gilligan posited that in the preconventional stage an individual will "focus on caring for self in order to ensure survival" (p. 74), which is often described as selfishness. This stage is followed by a transitional phase in which selfishness is morphed into a sense of responsibility. The conventional stage focuses on the concept of self-sacrifice, which is equated with goodness. It is followed by a transition in which the individual struggles to normalize the concept that women are people with needs. The postconventional stage focuses on the "self-chosen principle of a judgment that remains psychological in its concern with relationships and response but becomes universal in its condemnation of exploitation and hurt" (p. 74). Gilligan's stages of the ethic of care are illustrated in Figure 2.

Stage	Goal
Preconventional	Goal is individual survival
	Transition is from selfishness to responsibility to others
Conventional	Self-sacrifice is goodness
	Transition is from goodness to truth that she is a person, too
Postconventional	Principle of nonviolence: do not hurt others or self

Figure 2. The stages and transitions of Gilligan's ethic of care. Adapted from "*Gilligan's* In a Different Voice," by L. Kasper, 2005, retrieved from http://lfkkb.tripod.com/eng24/ gilliganstheory.htm.

Testing the Theories

Understanding the moral reasoning of women through Gilligan's ethic of care is helpful in identifying an alternative to Kohlberg's ethic of justice. However, during the past 20+ years, other researchers have attempted to test Gilligan's theory.

Barnett, Quackenbush, and Sinisi (1995) conducted two studies of undergraduate students, predicting that men would learn a lesson from a justice-based scenario and women would learn a lesson from a care-based scenario. They administered a survey to 154 participants in the preliminary study and 517 participants in a subsequent study to determine each participant's gender role and moral orientation. In addition, they asked each participant to write an essay describing the experience that had most influenced their moral development. "Women reported having learned a moral lesson involving care more often than men did" (p. 145). However, no significant gender difference was

found involving justice. The results indicated that an ethic of care existed but provided "limited support for the notion that these two orientations are linked by sex" (p. 149).

Jaffee and Hyde (2000) conducted a meta-analysis to determine whether there were gender differences in moral reasoning. Three databases were used for the years 1966–1998: PsychLIT, ERIC, and Dissertation Abstracts. After finding studies that met their criteria, the researchers reviewed 180 studies and dissertations. They evaluated only "whether females used the care orientation more than males and whether males used the justice orientation more than females" (p. 720) but found no specific difference in how men and women differed in moral reasoning. However, they concluded that a care orientation exist, although they could not determine whether it was gender differentiated.

Clopton and Sorell (1993) researched how a variety of situations may affect moral reasoning orientation. They studied 40 married couples: 20 couples had a child with disabilities and 20 couples had a child without disabilities. Each couple was presented a series of four ethical dilemmas based on Kohlberg's Moral Judgment Interview and was asked to respond. After the interview, each couple was asked to rate each of the scenarios according to importance, difficulty, and personal relevance. The interviews were coded and then analyzed, using analysis of variance. The researchers found that men and women did not differ in their use of care and justice reasoning.

Thoma (1986) conducted a meta-analysis of published journal articles and files in the Minnesota Moral Research Project Office. He conducted a "systematic examination of gender differences using a methodology sensitive to moderate effects" (p. 168)

focusing on use of the Defining Issues Test (DIT), a preferred method to study the concept of justice. He stated, "In these data, we find no support for the claim that females are at a disadvantage when measured by the Defining Issues Test" (p. 175). The results of the meta-analysis indicated that women scored higher on the Defining Issues Test.

The DIT was developed by Rest in the mid-1970s. According to Thoma (2002), it was

> originally conceived as a user friendly alternative to Kohlberg's interview measure, the DIT quickly became the basis for a number of significant modifications to moral theory including a unique stage model, a new definition of moral development, and a reinterpretation of moral processes. (p. 221).

Thoma (2002) concluded, "The DIT as a measure is clearly viewed as a central contributor to moral judgment research" (p. 223).

Bruess and Pearson (2002) used the DIT to determine whether there was a difference in justice orientation between first-year undergraduate students and graduating seniors. They found that women scored higher on both the principled moral reasoning score and the composite stage score. Graduating seniors scored higher on the composite stage score but no difference was found between the two class years for the principled reasoning score. This research was inconclusive about the impact of gender on moral orientation.

Other researchers have attempted to combine the notions of justice and care. Brabeck (1983) provided a summary and evaluation of Gilligan's theory. She thoroughly compared the theories of Gilligan and Kohlberg.

> When Gilligan's and Kohlberg's theories are taken together, the moral person is seen as one whose moral choices reflect reasoned and deliberate judgments that ensure justice be accorded each person while maintaining a passionate concern for the well-being and care of each individual. Justice and care are then joined; the demands of universal principles and specific moral choices are bridged and the need for autonomy and for interconnection are united in an enlarged and more adequate conception of morality. (p. 289)

As shown in this literature review, extensive research and study have been conducted to examine Kohlberg's and Gilligan's theories of moral reasoning. Several studies have indicated a gender difference in moral reasoning, while other studies have found no such gender difference. The debate between gender orientation and moral reasoning has spawned an area of research and new measurement instruments dedicated to identifying moral reasoning orientation.

Yacker and Weinberg (1990) developed a moral reasoning instrument called the Moral Orientation Scale (MOS) to measure both justice and care reasoning. The instrument used 12 childhood dilemmas; results were coded for care, justice, both, or neither. The instrument was administered to 99 graduate students, half or whom half were law students and half of whom were social work students. The results indicated that the MOS had promise in measuring justice and care. In addition, it provided a

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quantitative study to support Gilligan's theory. However, further research is needed to support the MOS for validity.

In 2000 Gump, Baker, and Roll developed the Moral Justification Scale (MJS). The instrument consisted of six vignettes: two related to justice orientation, two related to care orientation, and two in mixed orientation. The instrument was tested on 80 participants, who were asked to read each vignette and decide on a scale of 1 to 10 how important the statement was to them. Using Cronbach's alpha, a statistical tool that measures test consistency, the MJS was found to be internally consistent (Care, $r = .72$, $p < .02$; Justice, $r = .60$, $p < .05$) and reliable (Gump et al., 2000). The MJS provided a mechanism to measure both justice and care.

Moral Reasoning Across the Professions

The application of both Kohlberg's and Gilligan's theories in research has been seen in three professions: law, nursing, and business. It is described as the concept of discretion. Lens (2012) described it as "the ability to adapt rules" (p. 269). Lens discussed negotiating the law to fit individual circumstances. Fairchild (1978) used the notion of discretion in terms of police work:

> Nowhere in government is the use of discretion of more intense concern, however, than in the criminal justice system where the power of the state is aligned against the individual, who faces the possibility of loss of life, liberty, property, esteem, and future earning power as a result of being convicted or even accused of a crime. (p. 442)

SCAs are in a similar situation. The decisions that they make align the power of the institution against the individual who could potentially face the loss of his or her education, which was deemed a property right by the U.S. Supreme Court in *Goss v. Lopez* (1975). The intersection of discretion and decision making in professional practice has been noted in the research of nursing, law, and business. Each of these professions has certain persons who are charged with making critical decisions that have been studied by various researchers.

The nursing profession was modernized by Florence Nightingale in the mid-1800s. According to Duckett and Ryden (1994), since then, "nurses have been instructed to undergird their practice with strong moral values" (p. 51). They are often caught between the patients, families, doctors, and hospital administrators and called on to make quick decisions that can have life-altering impacts. Casterle, Grypdoonck, Vuylsteke-Wauters, and Janssen (1997) developed the Ethical Behavior Test, consisting of five nursing dilemmas, to study the moral reasoning of nursing students in Belgium. The Ethical Behavior Test was administered to 2,624 nursing students, 62% of whom were female. Casterle et al. found that the majority of the nursing students were at Kohlberg's Stage 4, in the conventional level. "Subjects' decisions were mostly influenced by professional norms, laws and rules" (p. 23). Casterle, Roelens, and Gastmans (1998) utilized the same data and suggested that an ethic of care would enhance Kohlberg's model when used in nursing practice.

Duckett et al. (1997) utilized the DIT to determine whether moral reasoning scores changed from the beginning to the end of nursing school. They followed 348

nursing students at the University of Minnesota for 3 years and found that DIT scores increased significantly from entry to graduation. In addition, they found an association between higher DIT scores and higher grade point average, more education, and being a woman.

Millette (1994) conducted a qualitative study to determine whether nurses use an ethic of justice or an ethic of care in their work. Twenty-four nurses, 12 male and 12 female, were interviewed and asked to describe a personal experience with a moral choice. In addition, they were asked to discuss what considerations were included in their moral choice. The stories were categorized as pure justice, pure care, mostly justice, or mostly care. There were no stories that were pure justice, 7 were mostly justice, 14 were mostly care, and 3 were pure care. Most notable in the study was that "nurses who exhibit the justice orientation are more likely to stay in nursing than those who exhibit the caring orientation" (p. 672). The study of moral reasoning in nurses provides a foundation for studying SCAs. Similarly, SCAs are required to make decisions, although not to the life-altering degree that nurses face.

The nursing profession was not the only profession to be researched with regard to moral orientation. Accounting is another field where people may be confronted with various ethical dilemmas. According to Ponemon and Gabhart (1994), "Simultaneous responsibility to the profession, the general public, the economic needs of the accounting firm, and the client organization is at the core of many ethical problems" (p. 102). Stanga and Turpen (1991) developed an instrument similar to the DIT that measured the moral reasoning of accounting students, using a 5-point Likert-type scale. They

administered a survey to 151 students enrolled in a mid-level accounting course. They found that gender was not a reason for variation in scores. They concluded that there was still significant work to be done in studying moral reasoning for accounting, as many participants in the study were uncertain how they would react when confronted with an ethical dilemma. They proposed that more work be done to improve ethical awareness.

Shaub (1994) studied various demographic variables to determine whether any were associated with the moral reasoning of auditors and auditing students. Utilizing the DIT, 207 auditors and 91 senior auditing students were surveyed. Shaub found that gender, grade point average, and taking an ethics education course were related to the moral reasoning of auditors and auditing students. In the area of gender, differences between men and women were opposite of those put forth by Gilligan; women scored higher on the DIT.

Ponemon (1990) studied the moral reasoning of accountants in public accounting firms. Using the Moral Judgment Interview developed by Kohlberg, 52 Certified Public Accountants participated in the study. "Supervisors seemingly rank the highest in terms of ethical stage, while partners apparently have the lowest mean level across all positions levels tested" (p. 205). Building on this research, Ponemon (1992) studied the moral reasoning and its relationship to socialization in the accounting field. A total of 180 accountants (of 650 who received it in the mail) completed the DIT. Results showed that the moral reasoning stage decreased as position in the organization increased. Ponemon (1992) stated, "Partners and managers tend to be at the conventional level

(stage 3)" (p. 254) of Kohlberg's theory, which is lower than staff, senior accounts, or supervisory accountants.

Law is another field in which individual decision making is important. However, the legal profession has not been well researched in this regard. Landsman and McNeel (2004) studied law students to determine whether there was a difference in the moral reasoning during each year of law school. Landsman and McNeel administered the DIT to 170 first-year law students and administered the test again their second and third years of school. The number of participants decreased during each administration, with only 40 of the original law students completing the study. The results indicated a significant difference in gender and moral reasoning in first-year law students. Female law students indicated more growth in moral reasoning than male students from the first to the second year.

In general, only nursing, accounting, and law have been studied in terms of moral orientation, as persons in these professions make critical, life-altering decisions. Many of the studies used a justice-oriented instrument such as Rest's DIT. SCAs also make critical, life-altering decisions, but no research has been done on their decision making.

Chapter Summary

This chapter reviewed the literature on higher education and student conduct, focused on moral orientation through the works of Kohlberg and Gilligan, and explored moral orientation in the accounting, nursing, and law professions. The history of higher education demonstrates that student conduct has been an issue for college and university officials since the inception of such institutions. Institutional presidents were the first

conduct administrators, but eventually that role was delegated to a dean of students. With the decision in the landmark *Dixon* case in 1961, student conduct could no longer be an ancillary responsibility. Higher education administrators at public institutions were now required to provide students with due process rights. Since *Dixon*, the courts and the government have continued to implement more regulations and requirements which means that SCAs must be well versed in compliance issues.

Also important is the education and learning that are part of the student conduct process. Nagel-Bennett (2010) filled a gap in the research by studying job satisfaction of chief SCAs at public institutions and found that more than 85 were satisfied in the current position. Fischer and Maatman (2006) stated, "Student conduct practitioners often find themselves at the intersection of competing value systems—institutional, legal, ethical and individual" (p. 14). However, little research has been conducted to understand SCAs as professionals, particularly how they make decisions. With the complexity of issues that SCAs face, understanding how they make decisions is important. This qualitative study contributes to an area that is still understudied.

CHAPTER III

RESEARCH METHODS

This study examined decision making by eight SCAs through the lenses of justice and care. Four research questions were addressed:

1. Do SCAs use an *ethic of justice* to make decisions in their positions? If so, how?

2. Do SCAs use an *ethic of care* to make decisions in their positions? If so, how?

3. Does moral reasoning contribute to decision making by SCAs? If so, how?

4. Does gender contribute to decision making by SCAs? If so, how?

The participants were all working full time in student conduct at large public research institutions at the mid-manager level. This chapter describes the research methods utilized in the study, including paradigm and method, theoretical tradition, sample selection, emergent design, data collection techniques, managing and recording data, ensuring quality, researcher's role, and data analysis strategies.

Paradigm and Method

In choosing the appropriate methodology, the researcher must know what paradigm is needed to address the research questions. A study that focuses on the decision making of SCAs is situated in the experiences of these individuals. Therefore, a qualitative method was most appropriate to study the experiences of SCAs.

Conducting a naturalist or qualitative study is an appropriate type of research methodology to address the experiences of SCAs.

Qualitative researchers conducting a basic qualitative study would be interested

in (1) how people interpret their experiences, (2) how they construct their worlds,

and (3) what meaning they attribute to their experiences. The overall purpose is

to *understand* how people make sense of their lives and their experiences.

(Merriam, 2009, p. 23)

When describing the characteristics of qualitative research, Bogdan and Biklen

(1998) used the terms *naturalistic, descriptive, concern with process, inductive,* and

meaning. The description *naturalistic* refers to the researcher spending time in the field,

at the site. According to Bogdan and Biklen (1998), "Qualitative researchers go to the

particular setting under study, because they are concerned with context. They feel that

action can best be understood when it is observed in the setting in which it occurs"

(p. 5). The concept of *descriptive* means that the data are rich and full; they "take the

form of words or pictures rather than numbers" (p. 5). The researcher is constantly

asking the question "why," trying not to take anything for granted, looking for meaning

in every nuance. In talking about a concern with process, the researcher is focused on

how people make meaning, not on an outcome or a product.

The qualitative research process is *inductive*. According to Bogdan and Biklen

(1998), researchers "do not search out data or evidence to prove or disprove hypotheses

they hold before entering the study; rather, the abstractions are built as the particulars

that have been gathered are grouped together" (p. 6). Theory can emerge as the data are

analyzed from the bottom rather than seeking to test a hypothesis.

Finally, the concept of *meaning* is essential to qualitative research. Merriam (2009) stated, "Drawing from the philosophies of constructionism, phenomenology, and symbolic interactionism, qualitative researchers are interested in how people interpret their experiences, how they construct their worlds, what meaning they attribute to their experience" (p. 14). The specific research methodology for this study was grounded in naturalistic inquiry to explore the lived experiences of SCAs.

Theoretical Tradition

The theoretical tradition of constructivism or naturalistic inquiry has its roots in sociology, most particularly in the sociology of knowledge (Patton, 2002). According to Creswell (2007), in social constructivism, also referred to as interpretivism or naturalistic, "individuals seek understanding of the world in which they live and work" (p. 20). "Constructivism begins with the premise that the human world is different from the natural, physical world and therefore must be studied differently" (Patton, 2002, p. 96). Guba and Lincoln (1989) put forth several assumptions about constructivism or naturalistic inquiry:

"Truth" is a matter of consensus among informed and sophisticated constructors.

"Facts" have no meaning except within some value framework, hence there cannot an "objective" assessment.

"Causes" and "effects" do not exist except by imputation; hence accountability is a relative matter and implicates all interacting parties (entities) equally.

Phenomena can only be understood within the context in which they are studied

Constructions are attempts to make sense of or interpret experience. (pp. 44–45)

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These assumptions frame how constructivism is different from positivist research, which seeks to find a single truth. In studying an individual's experience, there is no single truth. Each individual lives a different life with different experiences; therefore, each constructs his or her own realities. Qualitative research is focused on meaning and how people understand the world in which they live (Merriam, 2009). Qualitative research is often descriptive and filled with rich narrative.

The goal of the current study was to understand the moral reasoning of SCAs. Because there is little research on SCAs, qualitative research was a good place to start. It was decided that a qualitative study could provide understanding of how SCAs make decisions and insight into what is happening in the student conduct profession. The findings were expected to create a foundation of data on which further research could be conducted.

Sample Selection

According to Merriam (2009), there are two types of sampling: probability and nonprobability. Probability sampling is used most often in quantitative research for the purpose of generalizing the study. Nonprobability sampling is most often used in qualitative research because the researcher wants to address a specific issue and is not looking to generalize results. Often referred to as purposive or purposeful sampling, the selection of participants includes a well-thought-out and logical process. Merriam (2009) stated that purposeful sampling is utilized when the researcher wants to learn and understand new insights by selecting participants who can speak to the topic. Schwandt (2007) stated, "In the logic of sampling based on a theoretical or purposive strategy,

units are chosen not for their representativeness, but for their relevance to the research question, analytical framework, and explanation or account being developed in the research" (p. 269). To determine the selection of participants, the researcher must apply criteria or identify attributes that will used to select participants.

Patton (2002) promoted 15 types of purposeful sampling strategies. Patton indicated that more than one sampling strategy can be used during a research project. He stated that is important to select "cases from which one can learn a great deal about matters of importance and therefore worthy of in-depth study" (p. 242). The current study utilized two purposeful sampling strategies: intensity sampling and criterion sampling. Intensity sampling "consists of information-rich cases" (p. 234) that are good representations but not unusual. The purpose of criterion sampling "is to review and study all cases that meet some predetermined criterion of importance, a strategy common in quality assurance efforts" (p. 238). These two strategies, when combined, should provide an information-rich sample.

Utilizing the intensity sampling strategy, the current sample included persons who were working full time in positions in student conduct. Many people have a component of their jobs that includes working in student conduct; however, for the purposes of this study, the focus was on those who worked in a student conduct office or worked full time in student conduct. These people engage almost daily in making decisions, using their moral reasoning; therefore, their experiences are constant. Further, they provided the richest detail through their lived experiences. Taking advantage of

this immersion provided information-rich descriptions to address decision making by SCAs.

Another dimension to the sample was that participants had 5 or more years of experience in student conduct. These individuals are often referred to as mid-managers. At this level, they have had the opportunity to understand their position, as well as the university setting in which they work. They are no longer "new" professionals trying to figure out what it means to be a full-time staff member nor are they at the senior level. Within the field of student affairs, an SCA may report to a chief student affairs officer, but in most cases the SCA is not a member of the university's executive leadership (Hernandez, 2010). These individuals have a multitude of experiences and can provide information-rich data. Mid-managers make up a large portion of the administrative staff at the university. According to Rosser (2000), "Midlevel administrators are an essential component of higher educational organizations. They are regarded as loyal, skilled, and enthusiastic about their jobs" (p. 7). Mid-level managers provided information-rich experiences that supplied depth to this study.

The third component of the sample was working at large public research institutions. Hirt (2006) indicated that each higher education institution type is different and that those who work at each type of institution face different issues. Hirt described the research university as focusing on the creation of new knowledge and describes persons working at research institutions as "specialists" because "their work is distinguished by depth in a select functional area rather than breadth across multiple areas like those at liberal arts, secular and comprehensive institutions achieve" (p. 85).

To find SCAs with information-rich experiences, this study focused on SCAs working at research institutions. SCAs at research institutions are more likely to be immersed in the day-to-day work of student conduct, rather than distributing their time across multiple areas.

As most of the research on moral orientation focuses on gender, the participants were purposively balanced by gender. Gilligan (1993) contended that moral orientation may be gendered. Although research has indicated a possible relationship between moral orientation and gender, the connection is not conclusive. A balance of genders adds more information-rich data, as well as another dimension of data. Men and women have different experiences; therefore, a balance in gender was appropriate for this study. By capturing the experiences of full-time SCAs at the mid-level manager level in large public research institutions, using a balance of men and women, this study explored experiences related to moral reasoning through the lenses of justice and care.

Based on the cited sampling strategies, eight participants were included in the study. To begin the task of selecting eight participants, a list of colleges and universities meeting the definition of research institution was selected from the Carnegie Classification of Institutions of Higher Education website. Utilizing the record of institutions, a list of names was generated using the intensity and criterion sampling strategies. To verify that these persons met the qualifications as mid-level managers working full time in student conduct, the researcher searched the pertinent institutional websites to identify the campus office in which the person was employed, the person's title, and any other biographical information that was available on the website. The list

of potential participants was narrowed using the convenience sampling strategy. Convenience sampling was defined by Patton (2002) as doing "what's easy to save time, money and effort" (p. 244). It is considered the lowest recommended sampling technique. However, when used in combination with other sampling methods, such as criterion sampling and intensity sampling, it is an appropriate sampling method.

Persons on the final list of potential participants were contacted while on site at a professional conference or via telephone to invite their participation in the study. Once verbal consent was obtained, an email was sent with both a confirmation of participation with an outline of the study (Appendix A) and a consent form (Appendix B). Participants returned a signed copy of the consent form.

Upon receiving the completed consent form, the researcher sent an email to each participant with a link to the Moral Justification Survey and asked the participant to complete the instrument. After completing the survey, the participant was contacted to schedule an interview and was sent an email confirming the date, time, and location, as well as thanks for agreeing to participate in the study.

Emergent Design

A key characteristic of naturalistic inquiry is the concept of emergent design. That is not to say that the design of the study will change; however, as the researcher learns, the questions may become more focused. Schwandt (2007) observed, "Fieldworkers routinely adjust their inquiry plans and strategies in response to what they are learning as their study unfolds" (p. 79).

Because meaning is determined by context to such a great extent; because the existence of multiple realities constrains the development of a design based on only one (investigator's) construction; because what will be learned at a site is always dependent on the interaction between investigator and context, and the interaction is also not fully predictable; and because the nature of mutual shapings cannot be known until they are witnessed. (Lincoln, Y. S., & Guba, 1985, p. 209)

Although broad and flexible, an emergent design requires the researcher to detail the process undertaken to complete the study. For example, the researcher should provide detailed field notes, interview schedules, observational data, and so forth.

An emergent design also includes constant data analysis. "The investigator must engage in continuous data analysis, so that every new act of investigation takes into account everything that has been learned so far" (Lincoln, Y. S., & Guba, 1985, p. 209). The researcher must synthesize the information as the research progresses and new areas begin to be explored. Erlandson, Harris, Skipper, and Allen (1993) asserted that the researcher thinks about each new piece of information as it is collected. Being able to allow for an emergent design is incumbent on the data collection techniques utilized in the study.

There is very little research on SCAs. The purpose of this study was to understand their experiences and how they make decisions. As the participants detailed their experiences, various themes and categories emerged that allowed the researcher to

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synthesize data to understand what was happening with the SCA during the student

conduct process.

Data Collection Technique

Although the study was grounded in qualitative research, to understand the

experiences of SCAs, it was necessary to determine whether the participants were

positioned within the ethic of justice or the ethic of care. This assisted in understanding

how the participants were situated in their decision making prior to the interview to

understand their preferences. Therefore, a survey instrument was used to determine the

participant's moral orientation. The MJS by Gump et al. (2000) measures both justice

and care on a binary scale. The instrument was used here only to identify the

participant's preferred approach to moral reasoning. After the instrument was

administered, interviews were conducted to delve into the lived experiences of SCAs.

Measuring Moral Orientation

Many tools are used to measure moral orientation. The Moral Judgment

Interview was developed by Kohlberg in the 1950s. The interview consists of

presentation of several scenarios, followed by open-ended questions that require the

interviewer to be trained (Elm & Weber, 1994). There is a 17-step process to code and

score the Moral Judgment Interview (Elm & Weber, 1994). Another instrument, the

DIT, was developed by Rest in the 1970s. The instrument is a written survey that can be

administered easily and scored mathematically (Elm & Weber, 1994). Both the Moral

Judgment Interview and the DIT focus on the ethic of justice to determine where the

respondent is within that framework. To measure both an ethic of justice and an ethic of care, an instrument that measures both was needed for this study.

Gump et al. (2000) developed the MJS. The instrument consists of six vignettes, two focused on justice focused, two focused on care, and two that are a mixture of justice and care. Each vignette includes eight sentences that relate to the vignette and ask the participant to rate each one on a 10-point scale (1 = *not important* to 10 = *very important*). The response scores are totaled and averaged. Using Cronbach's alpha, a statistical tool that measures test consistency, the MJS was found to be internally consistent (Care, $r = .72$, $p < .02$; Justice, $r = .60$, $p < .05$), as well as reliable (Gump et al., 2000).

Based on the information available about the various measures of moral orientation, this study utilized the MJS to measure an ethic of justice and an ethic of care. Each participant was administered the MJS to determine grounding in moral orientation. Once the instrument was scored by the researcher, using the Statistical Package for Social Sciences (SPSS™) predictive analytics software, the participants were contacted for interviews regarding their decision making as SCAs, as well as to discuss the results of the MJS.

Interviews

One of the primary qualitative data collection methods used in this study was interviews. According to Patton (1990), the purpose of utilizing interviews is to explore the interviewee's thoughts. Interviewing is the most common data collection method in qualitative research (Merriam, 2009). The interview structure has several approaches,

including the informal conversational interview, the general interview guide approach, and the standardized open-ended interview (Patton, 1990). The informal conversational interview is flexible and allows the interviewer to move in whatever direction the conversation goes. Each interview is different, as there are no predetermined questions. This approach is often used when the researcher spends a significant amount of time in the setting. In addition, the researcher interviews the participant multiple times over the course of the study. This type of interview is typically used in conjunction with the researcher observing some activity or program. It allows the research to be flexible in gathering the information that is based on the present context. This method allows the researcher to be responsive to the participants and the situation. However, this method is very intensive and takes a significant amount of time to gather data through multiple interviews and conversations. In addition, with no predetermined questions, the researcher must spend extensive time in sifting through data to find patterns or themes.

The general interview guide approach allows the interviewer to determine the questions or subject to be explored during the interview but also allows the interview to move in a variety of ways. This method allows the interviewer to focus the questions when there is a limited amount of time to conduct the interview. In addition, it is helpful when interviewing several persons as it provides a systematic way of exploring specific topics. According to Patton (1990), this method is focused but may "inadvertently omit" (p. 288) information that the participants introduce in the interview, especially if it does not specifically relate to the topic.

The standardized open-ended interview approach is used when the researcher is interviewing multiple participants and typically each participant is interviewed only once. This method is beneficial when there multiple researchers are collecting data. In addition, the data are systematic and easier to analysis. However, the method does not offer flexibility to the researcher to explore topics or issues that were not anticipated during the creation of the interview questions (Patton, 1990).

For this study, the approach used a combination of the general interview guide and the open-ended interview.

> This combined strategy offers the interviewer flexibility in probing and in determining when it is appropriate to explore certain subjects in greater depth or even to pose questions about new areas of inquiry that were not originally anticipated in the interview instrument's development. (Patton, 1990, p. 347)

This approach allows flexibility to address specific topics but also provides a general structure for the interview. In addition, this approach allows the interview to be focused on the participant's perspective and experiences.

In a study of SCAs' moral orientation and its impact on their decision making, the combined approach was deemed to be the most appropriate choice. An informal conversational interview might not have provided the needed data as it is designed to be free flowing. The informal conversational interview is typically used by a researcher while conducting observational research and is dependent on multiple interviews (see Appendix C).

The standardized open-ended interview asks participants the same questions in the same order to minimize variation; therefore, it is less flexible. It is difficult to deviate from the interview protocol, even if a new line of inquiry may be opened. The balance of flexibility and structure of the combined approach made it the best choice for this research study because it allowed the researcher to create the interview on focus areas but allowed for flexibility to explore topics that were not anticipated during the development of the questions.

An initial set of interview questions was developed utilizing the concepts of justice and care. A set of 24 questions was presented during the proposal stage of the study. This list was pared by the dissertation committee to focus on addressing the research questions. The participants were contacted after the administration and scoring of the MJS to schedule the interview. The interviews were recorded and transcribed. As each of the interviews was concluded, the data analysis process began.

Managing and Recording Data

All interviews were record digitally and forwarded to Verbal Link®, a professional transcription company. The original recordings were kept for reference purposes and clarification. All recordings, transcriptions, and consent paperwork were kept secure. The recordings and transcriptions were kept on a password-protected computer and saved under pseudonyms. The consent paperwork was stored in a file cabinet at the researcher's home. The interviews were coded, names of the participants were removed, and pseudonyms were used.

Ensuring Quality

The first step in the data analysis process was to take necessary precautions to ensure quality. Several techniques can be employed to establish trustworthiness in a qualitative study. According to Erlandson et al. (1993), "Trustworthiness is established in a naturalistic inquiry by the use of techniques that provide truth value through credibility, applicability through transferability, consistency through dependability, and neutrality through confirmability" (p. 132). Y. S. Lincoln and Guba (1985) posited four questions to researchers to establish trustworthiness:

1. Truth value: How can one establish confidence in the "truth" of the findings of a particular inquiry for the subjects (respondents) with which and the context in which the inquiry was carried out?

2. Applicability: How can one determine the extent to which the findings of a particular inquiry have applicability in other contexts or with other subjects (respondents)?

3. Consistency: How can one determine whether the findings of an inquiry would be repeated if the inquiry were replicated with the same (or similar) subjects (respondents) in the same (or similar) context?

4. Neutrality: How can one establish a degree to which the findings of an inquiry are determined by the subjects (respondents) and conditions of the inquiry and not by the biases, motivations, interests, or perspectives of the inquirer? (p. 290)

Truth Value

For this study, truth value or credibility was established through triangulation. Triangulation is the use of multiple sources of information, methods, or investigators (Peshkin, 1988). This study used multiple methods to gather information. The MJS and interviews provided two methods of gathering data. The MJS helped to determine positionality of the participants along a justice and care continuum, while interviews delved into lived experiences and provided discussion of the outcome of the MJS.

Applicability

Applicability was established through use transferability. Merriam (2009) stated, "To enhance the possibility of the results of a qualitative study 'transferring' to another setting . . . is the use of *rich, thick descriptions*" (p. 227). "Providing enough description to contextualize the study such that readers will be able to determine the extent to which their situations match the research context, and hence, whether findings can be transferred" (p. 229). Ultimately, the reader must determine whether the study is transferable to another setting and situation; however, to ensure the applicability of findings of this study, interview data were transcribed and compared with the MJS results. The transcripts were compared with the audio recording to ensure that information was accurate. Finally, the transcript was sent to the participants for review. After each transcript was received from the participant, it was reviewed for findings and categories were assigned. A second reading confirmed the findings. Once the categories were confirmed, each transcript was assigned a color of paper. The transcripts were cut into themes and glued to note cards with the category on one side and the rich

descriptive data on the other side with the line number associated with it. The note cards

were sorted into categories and then sorted according to how they correlated to the

concepts of justice and care. The categories under justice and care were arranged and re-

arranged until the findings became clear.

Credibility

Credibility was established through use of an audit trail. According to Merriam

(2009), "An audit trail in a qualitative study describes in detail how data were collected,

how categories were derived, and how decisions were made throughout the inquiry"

(p. 223). Merriam (2009) encouraged researchers to keep a journal or diary to write

reflections, notes, ideas, problems, and other items to record the research process. For

this study, a dissertation journal was kept and was utilized to take notes and provide

reflections throughout the research process.

Neutrality

Neutrality was established through use of a peer briefer and member checking.

Peer debriefing helps build credibility by allowing a peer who is a professional

outside the context and who has some general understanding of the study to

analyze materials, test working hypotheses and emerging designs, and listen to

the researcher's ideas and concerns. (Erlandson et al., 1993, p. 140).

This study used a peer debriefer. The peer selected for this process had a working

knowledge of the field of student conduct, as well as an understanding of the research

process. She was the director of a student conduct office at a large public research

institution in the South. She had more than 15 years of experience working in student

conduct at six institutions, ranging from large public institution to small private colleges. The peer debriefer was consulted on a regular basis to talk through various findings as categories emerged. In addition, the peer debriefer was asked to comment on the findings throughout the writing process.

The other method utilized to establish neutrality was member checking. According to Y. S. Lincoln and Guba (1985), "The member check, whereby data, analytic categories, interpretations, and conclusions are tested with members of those stakeholder groups from whom the data were originally collected, is the most crucial technique for establishing credibility" (p. 314). For this study, member checking was completed in two ways. The first technique was to furnish participants a copy of the interview data and invite them to correct or clarify the information that was collected. The second technique was to furnish a copy of the research report to participants and invite commentary. All of these steps assisted in ensuring quality of the study.

Researcher's Role Management

The role that the qualitative researcher plays differentiates him/her from the quantitative researcher. The research questions drives the methods used by the researcher, which defines the role that the researcher assumes. Firestone (1987) stated, "The ideal quantitative researcher is *detached* to avoid bias. The qualitative researcher is '*immersed*' in the phenomenon of interest" (p. 17). In quantitative research the researcher tries to maintain objectivity or neutrality, while the qualitative researcher recognizes personal subjectivity or bias. "One's subjectivity is like a garment that cannot be removed. It is insistently present in both the research and non-research

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aspects of our life" (Peshkin, 1988, p. 17). Even though the researcher may claim

subjectivity, it must be controlled as the researcher constantly asks "why," seeking

questions and answers so as to not make assumptions.

As the researcher in this study, I position myself as an insider in the area of

student conduct. For 17 years, I was a practitioner whose job responsibilities included

making decisions about rules violations on a university campus. As such, I recognize

that I lean toward an ethic of care in my moral orientation. Recently, I moved into a

position where I lead a professional organization whose mission it is to be the premiere

authority in student conduct and conflict resolution. I continue to serve in a student

conduct role, although in a much more limited way.

Oran (1988) encouraged the researcher to engage in self-talk in order to

constantly ask what is happening. I continually reminded myself where my own bias

lies. Peshkin (1988) encouraged self-monitoring rather than just self-talk. The

difference between the two is in being "attuned to where self and subject are

intertwined" (p. 20).

The management of self is an important component in the research process and is

continually examined through the study. In order to engage continually in both self-talk

and self-monitoring, I employed a peer debriefer. According to Y. S. Lincoln and Guba

(1985), one of the multiple purposes of the peer is "to ask the difficult questions that the

inquirer might otherwise avoid ('to keep the inquirer honest')" (p. 283). A peer

debriefer was utilized throughout the research study, specifically to maintain the

credibility of the researcher and the emerging design. The peer debriefer provided

constant feedback and related the responsibilities of the student conduct process to the collected data.

Data Analysis Strategies

The data analysis process utilized for the study was the constant comparative method. According to Erlandson et al. (1993), "The collection and analysis of the data obtained go hand-in-hand as theories and themes emerge during the study" (p. 111). Data analysis is ongoing and continual, thus called constant (Erlandson et al., 1993). "It must be in the forefront of the researcher's mind that data analysis occurs during data collection as well as after data analysis" (p. 113). Y. S. Lincoln and Guba (1985) laid out four steps in the constant comparative process: "(1) comparing incidents applicable to each category, (2) integrating categories and their properties, (3) delimiting the theory, and (4) writing the theory" (p. 339). Merriam (2009) also laid out a process for the constant comparative method of data analysis. The first step "begins by identifying segments in your data set that are responsive to your research questions" (p. 176). These segments are described as categories, themes, patterns, or findings (Merriam, 2009). The process can also be explained as coding. Jones, Torres, and Arminio (2006) described the process of open coding: "Each work, phrase, or sentence is categorized and coded as a concept" (p. 44). Once the coding process has been completed, the categories or themes are sorted, arranged, and named. The next step is to look at the relationship between the categories or themes. Merriam (2009) described the analysis as "making inferences, developing models or generating theory" (p. 188).

In this study data were collected via the MJS and interviews. As the transcription of interviews was read, notations were placed in the text and margins. These notations were transferred to note cards with data about the participants. The note cards were then analyzed and arranged by themes and categories. Miles and Huberman (1994) suggested developing a matrix to understand the relationships between categories or themes. "Matrices essentially involve the crossing of two or more main dimensions or variables (often with subvariates) to see how they interact" (p. 239). The specific matrix utilized was described as "categories of variables" (p. 240). The data were triangulated utilizing the MJS and the interviews, as well as field notes and observational information.

The process culminated in the development of theoretical ideas to make meaning of the data (Coffey & Atkinson, 1996). Erlandson et al. (1993) described this process as "development of working hypotheses to determine what themes emerge or recur" (p. 115).

Another important step in the data analysis process is the consideration of negative cases. Erlandson et al. (1993) described this as "addressing and considering alternative interpretations of the data, particularly noting pieces of data that would tend to refute the researcher's reconstruction of reality" (p. 121). Throughout the data analysis process, the researcher consulted with the peer debriefer to ensure credibility and trustworthiness.

Chapter Summary

This chapter outlined the qualitative methods utilized in the study. The theoretical tradition was naturalistic inquiry to provide a foundation of research that

could be utilized to understand decision making by SCAs through the lenses of justice and care. The study used purposive sampling strategies, included intensity, criterion, and convenience, to select eight participants who provided information-rich descriptions of their experiences. The participants worked full time in student conduct offices at large public research institutions at the midlevel. There were a balance of men and women. Emergent design and constant comparative methods were used for data analysis. This allowed themes and categories to surface that assisted in understanding how SCAs make decisions utilizing the concepts of justice and care. The researcher applied qualitative techniques, including member checks, peer debriefing, and triangulation, to ensure trustworthiness of the findings.

CHAPTER IV

RESULTS

The results of this study are presented in this chapter, beginning with an overview of each participant, including path to current experiences and positions in student conduct. The data are presented to address each of the four research questions:

1. Do SCAs use an *ethic of justice* to make decisions in their positions? If so, how?

2. Do SCAs use an *ethic of care* to make decisions in their positions? If so, how?

3. Does moral reasoning contribute to decision making by SCAs? If so, how?

4. Does gender contribute to decision making by SCAs? If so, how?

Moral Justification Scale

In order to address the research questions, the MJS, an objective measure of the two orientations (care and justice), was utilized to determine each participant's moral orientation on a binary scale. The scale has six categories: (a) *care*, (b) *care with some justice*, (c) *a mixture of both care and justice*, (d) *a mixture of both justice and care*, (e) *justice with some care*, and (f) *justice* (Figure 3).

The category of *care* indicates that the person functions from a primary orientation of care, gravitating toward a response that is compassionate. The category of *care with some justice* indicates that the person considers care but may have the notion of justice in the back of the mind. The categories *a mixture of both justice and care* and *a mixture of both care and justice* indicate that the person is balanced between

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Care	Care with some justice	Mixture of both care and justice	Mixture of both justice and care	Justice with some care		Just ice

Figure 3. The Moral Justification Scale. Adapted from "The Moral Justification Scale: Reliability and Validity of a New Measure of Care and Justice Orientations" by L. S. Gump, R. C. Baker, & S. Roll, 2000, *Adolescence*, *35*, p. 67.

justice and care in decision making but may gravitate toward more justice or care; therefore, there is a differentiation between the two. The category of *justice with some care* indicates that the person focuses mostly with a justice mindset but has care somewhere in the back of the mind. The category of *justice* indicates that the person is guided by rules or policies and the concepts of fairness and equity.

Each participant in this study completed the MJS. The results were computed using the Statistical Package for Social Sciences (SPSS) predictive analytics software. Table 1 presents results for each participant. The results indicate that one half of the participants used *a mixture of care and justice*, two participants used a *care* orientation, and two participants used a *justice with some care* orientation.

Profiles of Participants

This section presents a profile of each participant, includes a description of current position and institution, MJS score , and how that participant described the concepts of justice and care. (Numbers following a quotation indicate the location on the transcription of the interview.)

Table 1

Participant Results for the Moral Justification Scale (MJS)

Name	Gender	Highest MJS score	Second-highest MJS score
Sam	Male	Justice with some Care	Care
Marvin	Male	Care	Mixture of both Care and Justice
Harv	Female	Justice with some Care	Mixture of both Justice and Care
James	Male	Mixture of Care and Justice	Care
Kate	Female	Mixture of Care and Justice	Justice with some Care
Jess	Female	Mixture of Care and Justice	Mixture of Justice and Care
Leo	Female	Care	Justice with some Care
Greg	Male	Mixture of Care and Justice	Care

Eight participants four men and four women, all of whom worked full time in student conduct, were interviewed (Table 2). All of the participants were in mid-level positions with responsibility for working in the day-to-day operations of a student conduct office. All were working at institutions classified as Carnegie Research Universities (very high research activity).

Sam

Sam is employed at an urban institution in the East. The institution has approximately 24,000 students and is one of three research institutions in the state. Sam has been in his current position for approximately 3 years and serves as a conduct officer in the Office of Judicial Affairs and Academic Integrity. Sam's primary role is to

Table 2

Participant Profile

Name	Gender	Title	Region	Students	Background
Sam	Male	Coordinator	East	24,000	Residence Life
Harv	Female	Assistant Director	East	16,000	Residence Life
Marvin	Male	Assistant Director	East	16,000	Residence Life
James	Male	Assistant Director	East	37,000	Law/Residence Life
Jess	Female	Assistant Director	Midwest	27,000	Residence Life
Kate	Female	Associate Director	South	50,000	Student Conduct
Leo	Female	Associate Director	South	30,000	Police/Residence Life
Greg	Male	Assistant Dean	South	32,000	Counseling

adjudicate nonacademic violations of the student code of conduct. The office has three other full-time staff members, a director, and a coordinator who focuses on academic misconduct. Sam has been at the institution for 11 years; he worked in residence life as a hall director prior to moving to student conduct full time.

Sam scored highest on the MJS in the area of *justice with care*, indicating that Sam uses justice while considering care. His second-highest score was in the category of *care* alone. These two areas had almost the same score. The other categories were scored much lower.

In talking about the concept of justice in his work, Sam indicated that he tries to ensure that the "decision is in line with other decisions" (240-241). However, justice is

not alone in Sam's decision making; care plays an important role as well. "The policies are there because we want to care for students" (297-298).

The process that Sam uses to make decisions is thoughtful and intentional. When talking about how he decides whether a student has violated the code of conduct, Sam described "a good faith investigation" (199-200) in which he reads the police summary, incident report, or investigation report and talks to the student. If there are discrepancies between the report and the student's responses, he follows up to obtain more information.

Many student conduct officers receive information from university police or other entities on campus indicating that a student rule may have been violated. This information may come in the form of a police report or an incident report. Sam described the investigative process as "trying to piece together who is actually doing what" (221). In addition to this process, Sam tries to weigh each student's actions and choices individually. He described his decision making as being "in proportion to each other" (322) and said that he takes into consideration the level of involvement in a violation, as well as a student's previous conduct history.

Same indicated that learning and accepting responsibility are an important part of the conduct process. For example, he described a situation with a student who was transported for alcohol poisoning and was on a respirator for 3 days. In the conduct process the student was fully cooperative, learned from the experience, and is now serving as a presenter during summer orientation, talking to other students about making good choices.

Marvin

Marvin is employed at a research institution in the East. The institution has almost 16,000 students. The student conduct office has four full-time staff, a director, two assistant directors, and a coordinator. The student conduct staff work closely with the residence life staff, who also serve as hearing officers in the conduct office. Marvin's office is located in a back corner of the main office suite. He has a round table in his office, where he conducts most of his meetings with students. Marvin's primary role in the student conduct office is academic misconduct. He has been in his current position since 2002. Prior to that, he worked at the same institution in residence life as both a full-time hall director and a graduate assistant. Marvin worked in hotel management before returning to graduate school in student affairs.

Marvin's results on the MJS tended toward care; he scored highest in the category of *care*, followed by *mixture of both justice and care*. However, in our conversation Marvin indicated that he thought that he tended more to the justice side. Talking about his philosophy as a SCA, he said, "The safety of the community rather than the benefit of the individual needs to take precedence" (133-134).

In making conduct decisions, Marvin said that he starts with the presumption that "there's some truth to the report" (209) that he has been given. However, he indicated that "there's always gonna be another side of the story" (221). Marvin stated that it is important to understand the policies to determine whether a policy was violated. He also indicated that listening was an important part of the process, as well as asking questions and probing to understand what occurred and who was involved.

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Another important aspect in Marvin's decision-making process is trying to help students learn. He talked about making sure that any sanctions be appropriate to the situation and provide the student with a learning opportunity.

Marvin said that he believes in the reflective process. For example, during our meeting Marvin received a telephone call from a student who had not yet had a chance to meet with an academic advisor. Marvin described how the student was grappling with whether to accept responsibility for a violation and potentially be suspended. The student wanted to discuss the situation with an academic advisor. Marvin indicated to the student that it sounded like he was not ready to make a decision yet. Marvin scheduled a meeting with the student for later in the week and encouraged him to see the advisor. After the call, Marvin indicated that the student was not ready to make a decision and that he did not want the student to "feel like they're just being railroaded" (399-400).

Harv

Harv is employed at a research institution in the East. The institution has almost 16,000 students. The office has four full-time student conduct staff, a director, two assistant directors, and a coordinator. The student conduct staff work closely with the residence life staff, who also serve as hearing officers in the conduct office. Harv's office is located in the main office suite across from the director. She has a round table that she uses to meet with most students. She is currently an Assistant Director and has been in the department for more than 10 years. Prior to that, she worked in residence life as a hall director at the same institution and completed a Master's degree there as well.

Harv had originally intended to work for the FBI upon graduating from her undergraduate institution. To make that happen, Harv had joined the U.S. Marines and was accepted into the officer training program. However, during boot camp she injured her knee, had to have surgery, and withdrew from the Corps. After much contemplation and reflection, Harv returned to graduate school and has worked at the institution since.

Harv's scores on the MJS tended toward justice. Her highest score was in *justice with some care*, followed by j*ustice with a mixture of both care and justice.* During our conversation, Harv indicated that she tries to balance "the individual student but in doing so, I need to keep in mind the safety and well-being of the larger campus community" (138-139).

Harv operates from the concept that "the student is not responsible unless we meet a standard of preponderance in our system" (212). Harv indicated that, in the environment in which she works, she and the other conduct officers serve as single hearing officers and do not rely on a panel. She discussed the importance of listening, questioning, and then making a decision. She stressed the importance of having "factual evidence" (262) in making decisions regarding a possible violation of a policy.

James

James is employed at an institution in the East. The university has approximately 37,000 students, with a large residential population. He is an Assistant Director in student conduct, with a focus on issues of academic integrity. James's office is located down the hall from the main student conduct office suite. He has a small table that he uses when he meets with students. In addition, he has a large bookcase in which he

displays pictures and books related to law and student conduct. James has been in his current position for more than a year. Prior to this position, he was in the rights and responsibilities area in residence life at the same institution. His focus was strictly student conduct for residence hall students. Altogether, James has been working in student conduct for more than 7 years.

James has a background in law. After he completed undergraduate studies, he attended law school, with the intention of entering politics. However, he realized early in law school that he did not want to be a practicing lawyer. Upon graduation, he returned to his undergraduate institution and worked in residence life on special projects until assuming the position in the rights and responsibilities office a year later. He has been at the institution since graduating from law school.

Although James has a background in law, his highest score on the MJS was on the care side, specifically *care with a mix of both justice and care,* followed by the category of *care*. When talking about the concept of justice, James indicated that it was important to "think justice for the process" (609). In talking about care, he said, "I want to make sure that we're helping the student as much as possible" (James).

Kate

Kate is employed in student conduct at an institution in the South. The institution is located in an urban setting and has approximately 50,000 students. She has been in her current position for 5 years. In addition, she has worked in student conduct at several other institutions. She has been in student affairs for more than 12 years. In her current position she mostly adjudicates academic integrity cases. The remainder of

her case load is considered high-risk behavior and includes students with mental health issues. This means that she deals with students who have a higher level of need. In addition, she is often the conduct officer assigned to cases involving behaviors that could result in students being permanently removed from campus, such as issues dealing with sexual assault or drugs.

Kate's background is similar to that of others who enter student affairs. She worked in residence life as a resident assistant. During her junior year of undergraduate school, she realized that she did not want to be an English teacher, so she went to graduate school for student affairs and worked as a hall director. Upon graduation, she moved into an entry level position in student conduct. Kate has been in student conduct since then and has worked up to the associate director level.

Kate's results on the MJS showed the highest score on the *care side with a mix of both justice and care,* followed by the category of *justice with some care*. Kate described her thoughts on justice as "doing the right things for the right people for as many of the right people as possible" (703). She described care as being "important for me to make sure that they [students] know that I do care about them" (758-759).

Jess

Jess is employed in the student conduct office at an institution in the Midwest. The institution is in the suburbs of a large city and has approximately 27,000 students. The student conduct office has eight full-time staff, including those dedicated to addressing sexual harassment and restorative justice. Jess has primary responsibility to adjudicate student code of conduct violations. Her office is located in the main suite of

the student conduct office; however, she conducts most meetings with students in a conference room in the main suite. She has been in her current position for about a year; prior to that, she worked in residence life at another large public institution in the state. Jess also spent time between undergraduate and graduate work in England, working in a study abroad program. Upon returning to the United States, she entered graduate school and earned a degree in higher education administration while working as a graduate hall director in residence life. She stayed on at the institution in a full-time hall director position. She was in that position until she moved to her current role.

Jess's score on the MJS was highest on the *care with a mix of both justice and care,* followed by *justice with a mix of both justice and care*. Jess thought about the concept of justice in terms of "repairing harm or consequences" (362), while the concept of care was "in every conduct hearing" (372). Jess made it clear that "care doesn't mean that there isn't an outcome" (376).

Leo

Leo works at an institution in the South. The institution is in an urban setting and has approximately 30,000 students. Leo is one of three full-time staff in the student conduct office. She has been in her current position for about 3 years. Leo's office is located in the main student conduct suite. The entire office staff had recently been relocated to this suite and was still in the process of trying to set up the office. Leo's office was still in the process of being unpacked; however, she had set up her fish tank, which she indicated is a calming presence.

Leo entered student affairs via residence life as a hall director but took a detour along the way. After she earned a bachelor's degree, she had planned to go into law enforcement but decided to stay and get a master's degree in student affairs. Once she completed the master's degree, she took a job as a hall director. Several years into her student affairs career, her mother died and Leo reevaluated her life and made the decision to go to the police academy. When she graduated from the police academy, she went to work for the same institution, only this time as a sworn police officer. After several years with the police department, Leo began to realize that she was not working with students but with visitors and in other police-related issues. An opening in the student conduct office led her to realize that she might be able to combine her love of working with students and her love of police work. She was hired as the associate director. In all, Leo has been with the institution for more than 12 years in residence life, university police, and student conduct.

Leo's highest score on the MJS was in two areas; she had the same score in the categories of *care* and *justice with a mixture of care*. Leo described the concept of justice as helping a student "realize I did do something incorrect and how can I make this right for my community" (404-405). When asked about the concept of care, she said, "I think I care too much about my students" (413). She described having students open up to her and the importance of listening to the student.

Greg

Greg is employed at a large urban public institution in the South with a student population of approximately 30,000. He has been in his current position for

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approximately a year. Greg's office is located in the Dean of Students suite not far from

the main entrance. He has several chairs set up to try to make the office more

comfortable. Prior to his current position, he worked in student conduct at a community

college in major metropolitan area in the Midwest. After finishing his undergraduate

degree, Greg was torn between a master's degree in student affairs and a clinical

counseling program. He was fortunate to be able to take a couple of courses in each area

during his first semester of graduate school. He eventually graduated with a degree in

counseling with an emphasis in clinical mental health. After completing his internship,

Greg found that he missed the college campus and working with students. He moved

back to student affairs and went to work for a community college in student conduct.

Greg's highest score on the MJS was in the category of c*are with a mixture of*

both justice and care. Greg emphasized that care is evident throughout the conduct

process. He described providing resources to students who are suspended to help them

to determine their next steps. He also talked about utilizing his counseling skills to build

rapport with students throughout the conduct process.

Results of Data Analysis

After the MJS was administered and scored, individual in-person interviews were

scheduled with each participant. The interviews were audio recorded and then sent out

for transcription by a professional service. Each transcript was read and a copy was sent

to the participant to read, critique, and make changes. All of the participants indicated

that they have no suggested changes, so data analysis continued. Another reading of the

transcript was completed and an initial set of codes was assigned. After a third reading,

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codes for the data were solidified. Merriam (2009) described this process as "category construction" (p. 178).

The transcript was then divided by code and sections were placed on note cards. Each note card included the quote from the participant and the line number associated with the quote. Once this process was completed, the note cards were sorted into categories. With the research questions in mind, cards with the concepts of justice and care were placed on a wall and categories were identified and placed under each concept, if applicable. The categories were then clustered and re-clustered until themes emerged to address the research questions. Merriam described this process as "theorizing," as the researcher "makes inferences, develops models, or generates theory" (p. 188) about the collected and coded data. Ultimately, the data must make sense and address the research questions (Merriam, 2009).

A Focus on an Ethic of Justice

All participants in this study indicated that they use an ethic of justice in their positions as SCAs. The ethic of justice was defined in this study as rules or fairness. When asked about the concept of justice, Marvin stated, "I think ultimately for me it's justice over mercy" (126). Kate stated,

> I think my goal and what I would say in terms of justice in a situation would be doing the right thing for the right people for as many of the right people as possible. So I mean ideally finding a place where everyone's happy with the outcome. (702-704)

She went further:

And so where I'm the most comfortable, when I'm the happiest is when I feel

like we've handled it consistently. Whether the student's happy with it or not, I

ideally want them to be, but I'm comfortable that it falls within the parameters of

a similar student or a similar situation would be treated the same way and we

have addressed whatever the other issues have been. (728-732)

Jess indicated,

The impact is huge so there has to be some form of justice or repairing of the

harm or consequences. So I guess it plays role in every conversation in a way. I

would say as far as the low level conduct hearings are, I'm not concerned with

justice in a sense like you had an alcohol violation you should take an alcohol

course. I'm more concerned about the education but when I'm seeing that

there's some pretty heavy impact on the community or community members,

that's when the justice piece comes about and there has to be some sort of

reparation or consequence. (361-368)

James stated, "When I think of justice, I think . . . about the egregiousness of the

act and especially where the student's mindset was when they were doing the act" (578-

579). Leo said, "When I hear the word *justice*, I always think of 'doing your time.' But

I don't necessarily deliver it that way" (407-408). Harv indicated that she uses the

concept of justice when

I look to the code of conduct which is our set of regulations. I look to what does

the actual policy say. So I will take the policy literally. I will also look at our

sanctioning guidelines and I will very much consider preponderance and

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therefore I am more likely to function more from a justice perspective . . . for example, we used to have three strikes here at the university. (298-303)

Sam stated, "I think justice plays some role, but my primary aspect is what's going to beneficial to this student long-term" (235-236). All of these participants indicated that justice contributes to their decision making. They also elaborated on how it plays a role.

As I talked with the participants in this study, three categories emerged as we discussed their use of an ethic of justice: groundwork, procedures, and verification. Each of these categories is described below.

Groundwork

The first concept, groundwork, emerged when the participants discussed laying the foundation prior to meeting with a student. They described the work and preparation that a SCA completes before a student walks into the office. The participants explained that they read the case, prepare, look at the evidence, and check the background on the student to see whether the student has a disciplinary history with the institution. Almost every participant indicated that the first step on receiving a report from the police or other university entities, such as residence life, is to read through the information. Marvin stated, "I read the case file and see who the players are" (190). James indicated, "I read the case; I read the incident report like a case file. It's like issue spotting. I have the rules and I have the incident report" (387-389). Kate said, "Usually I read through it and try to figure out if I have enough information to start with" (267-268). The participants indicated that, after reading through the case, they prepare to meet with the

student. Leo stated, "I kinda draft some 'what do I want to know in my meeting with them' questions" (243-244). James said, "I'm looking at that incident report and I'm drawing these things out; I make sure that these are things I need to cover with that student while in that meeting" (394-396).

Another pattern that emerged in groundwork is looking at the evidence. The participants stated that this may include contacting the residence life staff member who submitted a report to ask for clarification, such as when Marvin described that he talks to the residence life staff member about an incident:

Where was the RA in relation to the door, for example? What was the lighting like? Were the lights on, were the lights off? What could help clarify or not how clearly a view of that [alcohol] can the RA had? (295-300)

Harv stated, "I'm looking for factual evidence of [alcohol] cans, looking for behavioral signs, slurred speech, red eyes, inability to stand. So behavioral cues I'm looking to substantiate a responsible finding" (264-271).

The final pattern that developed in groundwork was the notion of looking at a student's history. James stated, "I look up the student to see if they have any sort of judicial history. You know, where they're from or whatever. Just try to get as much background on the person as I can" (191-193). James indicated that understanding where the student comes from helps him to formulate the discussion that he may have with the student. Marvin described, "I'll look to see if the student's had any prior situations, cause that's obviously important to sort of put it in perspective about. Is this a one-time thing or is there a pattern or that kind of stuff?" (165-166). Marvin

elaborated that this helps to differentiate between a one-time incident versus a pattern of behavior.

These components encompass the concept of groundwork for SCAs. Building the groundwork is an important step in the student conduct process as it may assist the SCA to better understand the student to be met. The category of groundwork describes the steps that the participants take before meeting with the student. The participants described reading reports, looking at the evidence provided in the reports, and checking to see whether the students mentioned in those reports have a history with the office. These steps encompass the preparation needed to ensure that they are doing the appropriate things as they position themselves to follow the necessary procedures outlined by the legal requirements of local, state, and federal governments.

Procedures

The second category that emerged in the ethic of justice was procedures. As SCAs who are employed at large public research institutions, they have legal requirements that they must uphold to ensure that the institution does not face litigation. Although the participants did not speak specifically about legal requirements, they described the steps that they take prior to meeting with a student that encompass many of the components that the U.S. judiciary system has mandated. The participants described the procedures that they follow and how this frames the conversation with the student. This concept includes the components of policy, process, standards, and fairness.

The participants indicated that they use the institution's policies prior to and during the meeting with the student. Marvin stated, "Part of the pre-hearing is to explain

to the student, 'Here's why we believe these policies were violated. Here's the policy. Here's what it means to violate the alcohol policy or student conduct or failure to comply'" (246-248). Kate described saying to the student, "But here's what you did and here's the policy and here's why that's not okay" (231-232). Harv said, "I look to the code of conduct, which is our set of regulations. I look to what does the actual policy say. So I will take the policy literally" (298-300).

Although the policies are important, the participants also indicated that it was important to follow the process outlined by the institution. This is another legal requirement that SCAs must follow. Sam stated, "I interpret it more as to we want to make sure that our process is just and that those folks coming through are all treated in the same type of fashion" (256-257). Greg said, "Once a student comes in, once we go through the process, I'm big on rights, responsibility, due process" (300-302).

Another component in the category of procedures is the use of standards. Jess described it as the use of preponderance (211), while Kate stated, "It's listed as the greater weight of the credible evidence" (449-450). The concept of preponderance is a legal term that is used to make a determination whether there is enough information or evidence to find an individual responsible for a specific action. In student conduct it is often described as 51% or majority of information. James took this a little farther and described the importance of "mitigating circumstances and aggravating circumstance" (468-469). Mitigating circumstances in the student conduct process are actions that the student may have taken to make the situation better, while aggravating circumstances are actions that the student may have taken to make the situation worse. Harv indicated the

use of standards during the sanctioning process. She stated, "We do have guidelines that should serve as a framework. We're not bound by those guidelines but we consider them to be minimum sanctioning standards" (171-174).

The final component in the category of procedures deals with fairness. Kate described it as, "I want to hear your side of the story" (300-301) when meeting with a student. Harv talked about fairness in terms of being "reasonable" (179) and "consistent" (180) within the institutions process. Jess stated, "We're moving a little bit away from it has to be consistent to it has to be fair and persistent and assessment based" (432-433). Leo said, "I am one that picks apart the incident report too–because I really err on the side of the alleged student to make sure that everything is fair and just" (263-265). Sam stated, "I think the justice piece is making sure that it's fair" (480).

During this part of the student conduct process, the SCA is required to understand procedural due process and the legal ramifications of the student conduct process. The SCA must know and understand the policies and procedures outlined by the institution, as well as the mandates required by the law and court system. The participants referred to their institutional policies, including following the procedures outlined by the institution, understanding the standard of proof needed to find a student responsible for a policy violation, and making sure that the student has been treated fairly throughout the student conduct process. These steps and procedures ensure that the SCA has followed through with the legal mandates and that justice has occurred.

Verification

The third category that emerged within the ethic of justice frame was verification. The participants described being diligent and thorough; as a result, the concepts of investigation, facts, and questions emerged. The investigation process includes reviewing the information received and in many cases gathering further data. Sam stated, "I'll go back and follow up with the police department or with our security folks and say, 'Here's what I've got in my report. Here's what I got from meeting with the student. Is there any other additional information you can give me to kind of help out in this regard?'" (201-204). Greg talked about "identifying the gaps, the missing pieces of the puzzle that I need to explore" (306-308). James indicated, "I get more when I talk with the Resident Director who referred the case, you know, get a bit more history there" (371-372). Kate talked about utilizing the faculty, "kind of going back and forth with the faculty member and having the faculty member explain, 'Well, here's why I know they didn't do it this way or why this doesn't make any sense'" (320-322). The investigation process helps in gathering facts, which is the next component in verification. Jess referred to this as "looking to the factual evidence that has been provided by our reporting party" (262-263). Kate stated, "I really have to try to take a step back and just look at it from my position. I really try to take the emotion out of it. What does the evidence say? Does it add up to 51% or not?" (486-488). This process is called *determining the preponderance of information*, a legal term used in civil courts as an evidentiary standard. The criminal courts use the standard of *beyond a reasonable doubt*, but that standard is not applicable in higher education.

Understanding the facts also includes determining each individual's level of involvement. Greg stated, "Everybody's role within an incident may not be the same" (443). James described "common threads in the fact pattern" but needing to "meet with all them individually to . . . ask them all who was doing what" (686-689).

The final piece of verification is questioning. This process begins with talking with the student. Leo stated that she tells students, "I'm gonna ask you a lot of questions" (350). She continued, "If I feel like they're implying something, I ask it. I don't let it sit" (420). Marvin said, "I need to probe further" (286). James stated, "I have questions all right: 'Well, you said this happened, you said that this happened. The report's saying this. How do you account for that?'" (238-239).

The investigation, facts, and questioning together help the SCA through the verification process. This process is concerned with substantive due process, which is the belief that a claim or allegation has merit, that there is substance to it. The verification process that an SCA undertakes ensures that the allegation is not taken at face value but that further inquiry is completed and information gathered to support or dismiss the allegation.

The category of verification describes the steps that the participants take to ensure that they have all the information needed to make a decision. The participants detailed the investigative process that they follow, how they check for facts, and the importance of asking questions during the conduct process. These steps provide a solid foundation for the SCA to make a decision about whether a student has violated the student code of conduct.

The three categories—groundwork, procedures and verification—encompass the

aspects of the ethic of justice that the participants indicated they utilize in decision

making in their work as SCAs. These three categories include the components of due

process that are required by law. By following the mandates of due process, the

participants are ensuring that the student conduct process is just, thereby utilizing the

ethic of justice in their decision making.

A Focus on an Ethic of Care

The participants in this study indicated that they all use an ethic of care in their

role as SCAs. The ethic of care was defined as having compassion or empathy. Leo

stated, "I sanction with care. I can say that much because of how much conversation I

have with the student and how much I listen to what they're saying or what they're

implying" (416-418). Marvin said,

> I think care comes into play when I say, "So, you know what? I don't think
>
> you're really ready to make the decision today. I want you to think about it. I
>
> want you to talk to your parents. Contact a student conduct advisor. I can give
>
> you a couple days to think about it." (396-399)

James stated, "I often tell students, 'This process isn't happening *to* you, it's

happening *with* you.' I want to make sure that they are–we're helping the student as

much as possible" (627-629). Kate said,

> I think the care thing is a huge important thing, and that's really where it starts to
>
> come to the looking at the unintended consequences, disparate impact, maybe
>
> that student did run from the police, but let's talk about the background of what

happened and where the student came from, that's a reasonable response for

them. (816-819)

As the participants discussed an ethic of care in their work as SCAs, three

categories emerged: response, consequences, and student needs. Each of these

categories is discussed below.

Response

The category of response developed as participants talked about how they

explore an appropriate response to the student. The response category in this study

encapsulates three areas: holistic, appropriate, and individualistic. The concept of

holistic addresses the need for the SCA to formulate a well-rounded decision. Jess

stated, "So I guess all of that plays a role; the student, where they're at, the identity

development, what their circumstances are, and then some of the social justice

components here as well" (532-533). Harv described, "Looking at sanctioning

guidelines, past conduct history, listening to what they share during the hearing, and,

again, looking at severity of case" (206-207). Being holistic is about looking at all the

pieces that affect the students' choices, which leads the SCA to try to make a decision

that is appropriate.

The concept of appropriate deals with making sure that the student behavior is

matched with the reaction from the institution. Marvin stated, "Then decide sort of what

sanctions do I think are appropriate based on the information that I have" (177-178).

Sam described, "They have to be in somewhat proportion. They don't have to be

identical" (317-318). Jess emphasized "outcome that matches the needs of the student or

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the community outside of that" (377-378). Harv stated, "Match that with educational sanctions, workshops, alcohol classes, decision-making workshops and things like that, papers, reflective papers that are gonna challenge them a little bit but they can achieve it if they really put their mind to it" (132-134). The category of appropriate requires the SCA to take into consideration factors other than just the fact that the student violated the code of conduct. It means understanding what is proportional for the situation, as well as for the student. It demands that the SCA think through all available information.

Although similar to the concept of appropriate, individualistic is about looking at the person who is before the SCA and responding to that person's needs. Kate stated, "I think trying just to figure out the best situation for the student involved" (720). James described, "Again, meeting students where they're at and talking about if they've had some issues going on in their life, helping them address those issues here" (797-799). Greg went further: "I view every situation as being individual and unique" (295). Leo stated, "Everyone is different. Every circumstance is different" (440-441). Sam echoed the sentiment: "I try to look at each case individually" (153). The concept of individualistic goes farther than the concept of appropriate. It requires the SCA to understand the uniqueness of every student who passes through the office.

The ideas of holistic, appropriate, and individualistic encompass the category of response. The participants described the importance of making a well-rounded decision and matching the type of sanction with the type of violation to ensure that they are proportional. The concept of individualistic goes a step farther, taking into account what

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the particular student sitting in front of the SCA might need. Once the response has been

formulated, the consequences must be addressed.

Consequences

The category of consequences emerged as the participants talked about how they

address the outcome of the student conduct process. It encompasses three areas:

learning, impact, and reflection. The area of learning is focused on students getting

something out of the conduct process that will help them to change their behavior and to

make better choices. Greg described, "making sure that the sanction actually teaches the

student something" (517-518). Marvin stated, "'Here's what we're gonna do to help you

understand how not to do it again.' And they have that choice to not do it again after

getting the information" (451-452). Leo went further, "I want to assign, in my

professional opinion, in my years of training and experience, the best sanction possible

so that when [the student] walks away from completing the sanction, [the student] has

the knowledge about making a better choice" (351-353). Kate described,

> And so let's really talk about: "Tell me what you were intending and what you
>
> were trying to do in that communication, in that conversation. And let me tell
>
> you why, from my perception, that might not have worked. And let's talk about
>
> what might. You can choose to take that advice or not, but I feel like it's my role
>
> in helping you grow and develop to see that." (798-802)

Harv stated that she liked to see

> some level of learning that they're able to articulate without me having to
>
> prompt. If they have come to a revelation, if they seem to be at a turning point

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where they realize that they need to change their own life and that they want

change their own life. (190-192)

The participants emphasized that learning was important in the conduct process and that the concept of impact goes hand in hand with that of learning. Understanding the impact of both the student's choices and the impact the SCA's decision plays a significant role in the decision-making process. Kate stated, "So what are the unintended consequences that this might have? Would it delay somebody's graduation?" (652-653). It may mean considering whether or not to take away a student's ability to study abroad. Jess was cognizant of that issue and stated, "They don't want to take that opportunity away from students" (481). For James, it means understanding the impact on scholarships. The situations often require the SCA to ask the student to do some reflection.

The concept of reflection is the final area in consequences. Jess described using Chickering and Reissers' theory of identity development to have students "write their own reflection" (116) based on the vectors outlined in the theory. Marvin talked about having students do "some reflective research papers about particular topics" (519-520). James asks students to reflect on their behavior.

The opportunity to have student think about their actions, together with understanding the impact and what students should learn, encompass the concept of consequences. The participants described that it was important that learning be at the center of the conduct process. In addition, the participants stated that they consider the

impact of their decision on the student and how best to help the student to reflect on choices.

Student Needs

The final piece of care is the concept of student needs. The category of student needs emerged as the participants discussed trying to understand the student's situation and helping the student, which may include connecting to needed resources. Understanding the student's situation plays a role in what the student needs to be successful. Greg said, "Like really understanding the person's scenario, situation, whatever the case may be, from their world view" (219-221). Kate asked, "What was going on that led then to this?" (199). James asked, "What's going on here? Who were they with? What are they doing?" (381-382). Leo asked, "Why is this happening? I like to look at them as puzzles, like what pieces are missing here? Why is this coming in? What's the motivation?" (309-310).

The concept of helping is a role that the participants considered to be important. Marvin gave the following example: "helping the students understand that and helping them potentially, for example, figure out how to approach that conversation with their parents about what happened" (358-360). Kate stated, "I think sometimes too helping them—trying to help them understand that the way that I'm gonna show you that I care about you is by helping you understand why this isn't gonna serve you well in the future" (778-780). Helping also means providing students with resources. Sam stated, "They want to make sure that they have those resources lined up and so we'll kind of guide them in that" (427-428). Jess said, "I think we have a ton of resources here and

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we have great opportunities for students" (472-473). James talked about referring

students to counseling because "there are some folks here that you need to talk to, so

let's get you meeting with them" (640-641) as he recognized that he is not a counselor.

Kate indicated, "Let's talk about that, and what we can do? What resources do we have?

What can we refer you to?" (534-535).

These three categories—response, consequences, and student needs—encompass

the aspects of the ethic of care that SCAs utilize in decision making. In the category of

response, the participants described the importance of being holistic, appropriate, and

individualistic as they work with a student in the conduct process. The category of

consequences was described by the participants as focused on what the student should

learn, how their decisions could affect the student, and what could help the student to

reflect on choices. The participants described the category of student needs as working

to understand the student's situation and trying to help the student be successful. These

categories are building blocks in the conduct process that provides SCA's an opportunity

to create an environment that supports an ethic of care.

Where Justice Meets Care

The concepts of justice and care are woven throughout the conduct process.

These SCAs use both an ethic of justice and an ethic of care to make decisions in their

positions. The data collected in the study leads to the conclusion that moral reasoning

contributes to decision making by SCAs. The conduct process can be divided into two

phases. The first phase is referred to as the *finding*. This is a process by which the SCA

makes a determination about whether a student has violated a rule or policy. It includes

investigating the allegations, comparing the behavior of the student with the language of the student rule, asking questions, and following the guidelines of the institution. For these participants, the finding phase had the concept of justice throughout it.

The concept of care is demonstrated during the second phase of the conduct process, called the *sanctioning* phase. After an SCA makes a determination that a student has violated a rule or policy, the next step is to determine an appropriate sanction, given the nature of the violation and precedent for similar types of situations. The participants indicated that they use care in trying to help students learn. They try to find a sanction that is appropriate and individual to the student and situation before them. These actions by these SCAs demonstrate the use of care in their work.

As the categories developed during the analysis, one emerged that demonstrated where the concepts of justice and care intertwine. This category was defined as *approach* and it developed as the participants described the ways in which they foster a relationship with a student who appears for a conduct hearing. The participants described how they meet individually with students regarding the alleged violations of the student rules. They spoke of the tactic that they take during this conversation by using four techniques: being open, listening, discussing, and finding a connection. The process starts with the SCA recognizing a need to keep an open mind when talking with the student. Kate described: "I just kind of review it and I try really hard to present to the student and 'This is what the report said,' not 'This is what happened' and give them the opportunity to respond" (439-440). Jess stated, "I try to stay nonbiased until I hear

their side" (144). James said, "I don't try to pass judgment" (220). The ability to be open allows the SCA to listen.

Another concept that emerged as the participants discussed approach was listening. According to the participants, listening is the process of taking in the information presented. Marvin suggested, "Listen to all the information. Find out where there are similarities that would help support there was violation or not" (278-279). James said, "Just try to listen because sometimes my presumptions are wrong" (379-380). Listening leads to a discussion about the incident or event. The participants indicated that having a conversation with the student is important. James stated, "This is the report, and I know that—and I tell them, 'It's one version of it. I want to hear what happened with you, so let's start at the beginning of your day'" (225-227). Leo stated, "When they come in, I have a conversation with them about, 'This is what I have in front of me. Talk about what—where this is correct and where this is incorrect'"(246-247). The discussion can be much broader, as indicated by Jess, who said, "When they come in, we have a dialog that can range anywhere from 10 minutes to an hour and a half. It really depends on what they're willing to share with me in that dialog" (147-148). Kate said that she may say to the student, "Let's talk about where you're going and why you want to do that. And then let's talk about how this didn't work in this situation" (783-784). Sam related, "We'll talk about what choices they've made in that situation, depending on how that conversation goes kind of dictates whether it's, 'What did you learn from the process?' or 'Do you think that this behavior is conducive to graduating?'" (92-94).

The final concept that supported the development of the category of approach is connection. Being open, listening, and discussion all build to the participants making a connection with the students. James stated, "When I sit down with a student, the first thing I want to do is just build that rapport" (196-197). Leo said, "I meet all of them the same way, and I address them all in a very cordial, nice, caring manner, because I found that if you're really strict with them, that doesn't work" (566-568). Jess indicated, "The more the rapport and relationship you're building, the more honest they become" (171-172). Greg stated, "I believe that the relationship matters. And when really focusing in on the relationship when meeting with students, then you can really accomplish other things" (215-217). Once the SCA has worked through the approach, a response can be formulated.

The category of approach encompassed the way the participant interacted with a student. The participants described being open minded, listening, and trying to find a way to connect with students as they meet with them throughout the conduct process. This category encompasses both the legal requirements that an SCA must to uphold and the learning environment that is fundamental to higher education. The SCA must find a personal voice and develop a fundamental philosophical approach to utilize in navigating the student conduct process with the student to create an environment in which the student can learn.

The Impact of Gender on the Decision Making by SCAs

As part of the research, the concept that gender may contribute to decision making by SCAs was explored. In this study, gender did not contribute to the decision

making by these participant SCAs. The results of the MJS showed that four participants:

James (male), Greg (male), Kate (female), and Jess (female) scored in the category of a

mixture of care and justice, that is, in the middle with a slight tendency toward care.

Both male and female participants had scores in this category (Table 3).

Table 3

Participant Results on the Moral Justification Survey

Care	Care with some justice	Mixture of both care and justice	Mixture of both justice and care	Justice with some care	Justice
Marvin (M)		James (M)		Sam (M)	
Leo (F)		Kate (F)		Harv (F)	
		Jess (F)			
		Greg (M)			

Sam (male) and Harv (female) scored in the category of *justice with some care*.

This category on the MJS scale is located on the justice side at midpoint. Again, both

male and female participants had scores in this category. Sam gave an example of the

category of justice with some care,

> But I think justice, to me, I interpret it more as to we want to make sure that our
>
> process is just and that those folks coming through are all treated in the same
>
> type of fashion and that, you know, this student had a beer in their hand. This
>
> student had a beer in their hand. There's not disproportionate in the

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sanctioning—the sanctioning doesn't have to be identical—but they shouldn't be completely off kilter. (255-260)

Harv indicated that she liked a former university policy by which a student was suspended from the university on a third violation of the code of conduct; the policy was referred to as the three strikes rule.

So I was very much from a justice perspective. I will say though that since the university abolished the three strike rule and I found it not so easy to function within the three strike rule. Other people felt very confined and limited. I didn't feel that way. So I appreciated that model because to me there's no bickering, when you got to three, if we found you responsible and it was based on preponderance, it's a no brainer. (310-315)

Marvin (male) and Leo (female) scored in the category of care, at the end of the MJS spectrum. Early in the interview, Marvin indicated that he thought that he operated more from the justice perspective. He talked about the idea of doing what he thought was in the best interest of the community. However, his discussion of a specific example of working with a student indicated more of a care perspective.

So understanding that and realizing that, for them [students], this is a traumatic and sort of a life-changing, altering decision about whether to accept responsibility for something or not and what that would mean for them. So I think care comes into play when I say, "So, you know what? I don't think you're really ready to make the decision today. I want you think about it. I want you to talk to your parents. Contact a student conduct advisor. I can give you couple days to

think about it." So that they don't feel like they're just being railroaded: "Here's

the paper; sign here. Next? Here's the paper, sign. Next?" That kind of stuff.

(394-401)

Leo, on the opposite side, indicated the use of care throughout the conduct

process. Several times she talked about helping students.

I think I care too much about my students. I get a lot of students that—I don't

know why people tell me things. I think I have one of those receiving auras, and

I get a lot of students that—what looks like a simple alcohol ends up being an

hour conversation about some family issues and abuse and stuff like that. And

so, when I sanction, I sanction with care. I can say that much, because of how

much conversation I have with the student and how much I listen to what they're

exactly saying or what they're implying. (413-418)

Despite the difference in scores on the MJS, all participants indicated that they

use both justice and care in the student conduct process. As shown, the concepts of

justice and care are interwoven in the process. Justice is seen in the finding phase when

the SCA must determine whether the student has violated the code of conduct. Care is

seen through the sanctioning phase when the SCA must determine how the institution

will respond to the student violation of the code of conduct.

Summary of Findings

The use of justice and care was evident throughout the study of the participants'

decision making in their roles as SCAs. They utilize the concept of justice when they

lay the groundwork in preparing to meet with a student, through the policies and

procedures laid out by their institution, and through the verification process as they question and investigate the cases before them. They utilize the concept of care as they develop a response, then determine consequences, and identify the student's needs. These participants demonstrated a need to balance the concept of care and the concept of justice as they work their way through the student conduct process. They indicated that it was not always easy and that multiple factors must be taken into account as they make decisions. However, the goal for most of the participants was for students to learn, grow, and develop.

CHAPTER V

SUMMARY, DISCUSSION, AND IMPLICATIONS

This study examined decision making by eight SCAs through the lenses of justice and care. Four research questions were addressed:

1. Do SCAs use an *ethic of justice* to make decisions in their positions? If so, how?

2. Do SCAs use an *ethic of care* to make decisions in their positions? If so, how?

3. Does moral reasoning contribute to decision making by SCAs? If so, how?

4. Does gender contribute to decision making by SCAs? If so, how?

The participants in the study were working full time in student conduct at large public research institutions at the mid-manager level.

Based on the research questions and analysis, the following conclusions were reached:

1. The participants used an ethic of justice to make decisions throughout the findings phase of the student conduct process. This phase focuses on the participant making a decision whether the student violated the code of conduct. However, the concept of justice was closely balanced with the concept of care. The participants described laying the groundwork, following procedures, and verifying information.

2. The participants used an ethic of care throughout the sanctioning phase of the student conduct process. This phase focuses on determining what outcome or response is appropriate for a student who has violated the code of conduct. The participants

described the importance of learning, reflection, and being holistic. However, the concept of care was closely intertwined with the concept of justice throughout the study.

3. The participants used both justice and care in their decision making as SCAs. These two concepts were intertwined throughout the process.

4. The study included both men and women but for these participants gender did not contribute to their decision making. Both justice and care were utilized throughout the conduct process by all of the participants.

This chapter explains the theoretical framework and how it was utilized to address the research questions. In addition, it considers the meaning of key findings in the data, the implications for policies and practices in the field, and suggestions for future research.

Relationship to Theoretical Framework

This study was grounded in the work of Kohlberg and Gilligan. Kohlberg (1969) studied moral decision making with a focus on how the decision was made rather than the values associated with the decision. He postulated a six-stage model consisting of three levels, with two stages in each level. Gilligan (1993) noted that the voices of women were missing from Kohlberg's model and postulated that moral decision making had a justice component and a care component. This framework was used to design this study by using the MJS and framing interview questions around the concepts of justice and care.

Brabeck's (1983) study on gender differences in moral judgment highlights the works of Kohlberg and Gilligan and most aptly applies to the findings in this study.

Brabeck (1983) described Kohlberg's morality of justice as the concepts of fairness, reciprocity, respect, and rules/legalities. She posited that principles are the primary "determinants of moral obligations" (p. 278). The participants in this study explained the concept of justice similarly. Kate described it as "doing the right thing" (703) and "being fair" (691). Jess stated that justice is "repairing of harm" (362). Leo said that justice is "doing your time" (408). The participants went beyond describing the concept of justice and explained how it is utilized in their work as SCAs. They described laying the groundwork in preparation for a meeting with a student, such as reading reports about the alleged violation of the code of conduct, looking through potential evidence, and checking to see whether the student has prior discipline records with the university. They also explained the process by which they follow the procedures outlined through the code of conduct, such as talking about the student's rights, reviewing the standard of evidence to be used throughout the conduct process, and asking the student to tell his or her side of the story. The participants described verifying information by investigating the alleged violation of the code of conduct, looking for factual information, and raising questions about the alleged violation of the code of conduct. Brabeck (1983) described this cognitive process as "formal, logical and deductive thinking" (p. 278).

In describing Gilligan's theory, Brabeck (1983) stated that the morality of care included the concepts of harmony and compassion. In addition, she posited that relationships are the "determinants of moral obligations" (p. 278). The participants in the study described care in a similar manner. Kate discussed being contextual, trying to understand the background of the student and what would be reasonable for that person.

Leo described long discussions with students and listening to what they have to say. Marvin explained how the student conduct process may be traumatic and stated that he sometimes wants students to take their time and reflect before they make a decision. The participants described how they utilize the concept of care in their work as SCAs. They explained that they try to find an appropriate response for a student who has violated the code of conduct. They noted that they try to develop consequences for the student that will focus on learning and reflection, and they consider how their decision will affect the student. They described the need to help the student by utilizing resources or discussing choices that the student has made and how the student can make better choices in the future. Brabeck (1983) described this cognitive process as "inductive thinking" (p. 278).

Although the participants reported utilizing the concepts of justice and care in student conduct, one finding demonstrated a combination of both. The participants explained the process of meeting with students. As the participants described the steps, the category of *method* emerged. Method encapsulates the techniques that participants utilize when talking with students. They described being open, listening, discussing, and looking for ways to find a connection to the student. This process illustrates a merging of the concepts of justice and care. When describing the "self as a moral agent" (p. 278), Brabeck stated that care is about finding a connection, while justice is about being separate. The category of method describes how the SCA balances the connection and yet remains separate. It is creating an environment where the student will learn. Figure 4 demonstrates how these concepts merge.
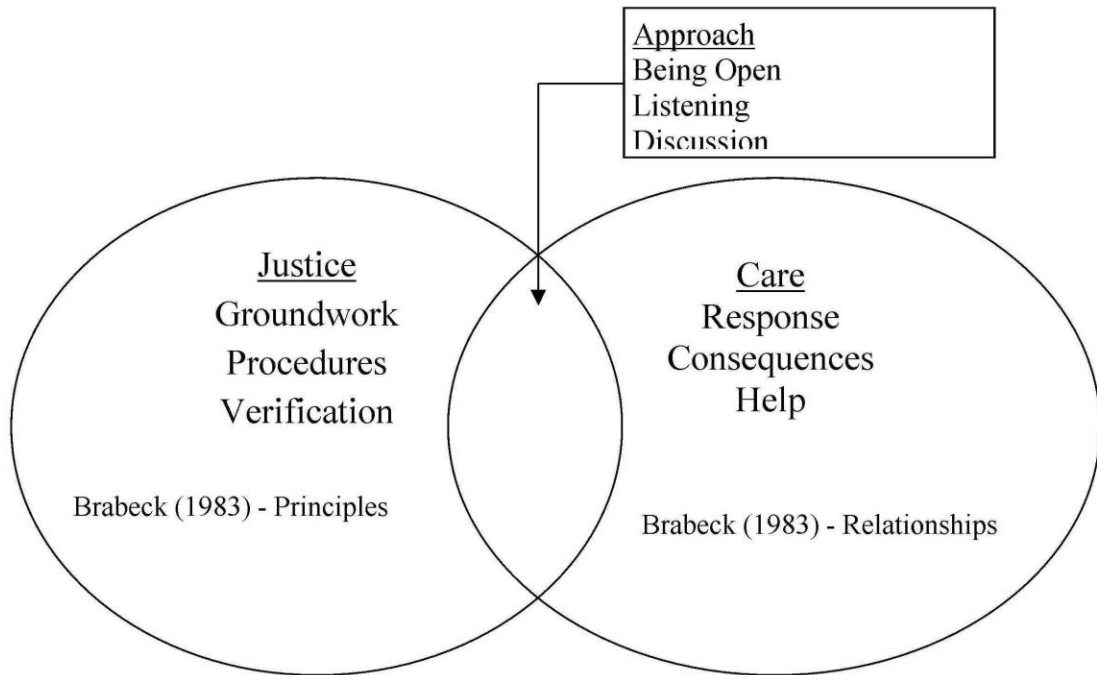
Figure 4. Justice and care in the work of Student Conduct Administrators.

Abraham Lincoln once said,

With malice toward none, with charity for all, with firmness in the right as God

gives us to see the right, let us strive on to finish the work we are in, to bind up

the nation's wounds, to care for him who shall have borne the battle and for his

widow and his orphan, to do all which may achieve and cherish a just and lasting

peace among ourselves and with all nations. (Lincoln, A., 1865a)

He also said,

I have always found that mercy bears richer fruits than strict justice. (1865b)

The merging of the concepts of justice and care in the category of method is where

students may be more likely to participate in the student conduct process and may be

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more likely to learn. As educators, SCAs are charged with upholding the mandates of

the legal system as required by federal, state, and local governments, but they are also

responsible for helping students to develop as productive citizens. The category of

approach is the place where justice meets care in the student conduct process. King

(2012) studied students' perceptions of fairness in the student conduct process and found

> a significant positive relationship between educational value and fairness, *r*
>
> $(1,667) = .497, p < .01$" (p. 571). . . . By ensuring adjudicated students'
>
> comprehension of their rights and being cognizant of each student's unique
>
> attributes, practitioners have the opportunity to transform a potentially
>
> adversarial disciplinary proceeding into a developmental intervention that fosters
>
> student learning. (p. 578)

Research has established that students learn when they are treated fairly and as

individuals. This study demonstrates that the environment that the SCA creates through

being open, listening, discussing, and finding a connection with the student—in other

words, balancing care and justice—is where the SCA contributes to learning.

Summary and Discussion of Results

This study provides an understanding of how SCAs utilize the concepts of justice

and care as described by Kohlberg (1969) and Gilligan (1993). The results of the study

indicate that justice and care were used by the participants in their work; however,

additional categories were developed to further define how and when these concepts

were utilized.

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An Ethic of Justice

The concept of justice was defined by Kitchner (1985) as rule or fairness. Throughout this study the participants described justice and how they utilize it in their work as SCAs. For example, Kate stressed "doing the right thing for the right people for as many of the right people as possible" (703). Jess described the impact of the student's behavior on the community and the idea of repairing harm that has been done. James was concerned about the severity of the violation and what the student's intentions may have been. Leo talked about the idea of "doing your time" (407) but was adamant that she does not carry out the conduct process in that manner. Harv described using the code of conduct and sanctioning guidelines to make decisions. As the participants discussed the concept of justice, three categories emerged: groundwork, procedures, and verification.

The category of groundwork described the action that participants take before the student walks into the office. It is the notion of building a foundation to prepare for meeting with the student. Groundwork is developed through reading reports, looking at evidence, and checking to see whether the student has a history of disciplinary behavior with the office and whether the student is on a current sanction. These steps help the participants to develop an idea of who may be walking into the office.

The category of procedures described the steps that the participants take to ensure that they are upholding the legal mandates of due process. It consists of the concepts of policy, process, standards, and fairness. The concept of policy is the notion of comparing the student's behavior with what is written in the code of conduct. The

concept of process is ensuring that the actual steps taken are fair and just. Sam emphasized the importance "to make sure that our process is just and that those coming through are all treated in the same type of fashion" (256). Greg described walking the student through the steps to be taken and explaining the rights that are afforded in the code of conduct. The concept of standards deals with the evidentiary standard that is utilized. Jess described the use of preponderance, while Kate stated, "It's listed as the greater weight of the credible evidence" (449-450). Fairness was described as wanting to hear the full story from the student. Harv described being "reasonable" (179) and "consistent" (180). These concepts ensure that the participants are maintaining procedures that will minimize the institution's risk of being sued. They ensure due process but go farther by allowing the student to have active participation in the process.

The category of verification describes the steps that the participants take to ascertain that the information from a police report, investigation report, and/or a residence life incident report is accurate. Verification consists of three concepts: investigation, facts, and questions. The concept of investigation emerged when the participants described identifying gaps in the information or talking with staff who submitted the report to make sure that they have all of the information. The concept of facts was described best by Kate, who said, "I really have to try to take a step back and just look at it from my position. I really try to take the emotion out of it. What does the evidence say? Does it add up to 51% or not?" (486-488). Harv described looking for clues in the report such as "slurred speech, red eyes" (265), or other behaviors that could substantiate the behavior. The concept of questions is the participant talking to the

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student and probing for information. Leo described asking many questions and contended that she does not assume anything. James stated, "I have questions all right: 'Well, you said this happened, you said that this happened. The report's saying this. How do you account for that?'" (238-239). The verification process is about engaging with the student to make a determination about what may have occurred. It means going farther than just reading a report, but actually delving into the information and engaging in a dialog with the student to determine what truly happened.

These steps indicate how the participants use an ethic of justice throughout the student conduct process. Groundwork, procedures, and verification delineate the steps that are undertaken. These steps are important to ensure that the student conduct process is not only just but also complies with the legal mandates of due process. In addition, it demonstrates that the participants do not simply read a report and take it at face value; they question and investigate to confirm the information. They also walk through the process with the student so the student understands what is happening.

SCAs live in an environment that requires them to understand the concepts of due process and what is constitutionally required of them. Specifically, a professional in student conduct must understand the difference between procedural due process, which outlines the requirements for how a conduct process should work, and substantive due process, which "focuses on the nature of the institution's rules and the need to avoid the problems of vagueness and overbreadth" (Lowery, 2008, p. 72). In other words, the rules and polices outlined by the institution must be applied fairly.

The legal obligations for due process also affect the groundwork theme. Lowery

(2008) indicated that students who are alleged to have violated student rules must be

given notice of a potential violation and they must also be informed of the evidence to be

utilized during a hearing. The participating SCAs indicated that in the groundwork

phase they read and prepare for the conduct hearing. They revealed that they are looking

at the evidence provided by police departments or residence life staff to determine

whether a violation of student rules may have occurred. Zdziarski and Wood (2008)

stated, "Advance preparation is key to a successful disciplinary conference" (p. 99).

The gathering of information is an important role for the SCA. The process of

investigating, asking questions, and determining the facts is vital to the work that SCAs

do on a college campus. According to Lowery (2008), the court system has stated that

decisions about student behavior "must be based on the information presented during the

hearing and must rise to the level of the standard of proof established by the institution"

(p. 78).

SCAs must understand institutional polices and be able to apply them in a variety

of circumstances. As representatives of the institution, SCAs must uphold the

"contractual promises made through its student handbook or other documents" (Lowery,

2008, p. 79). They must to able to question and investigate adequately to ascertain what

happened in an incident. These skills are important for the SCA to do the job

adequately. In the event that an SCA does not follow through with the dictates of due

process and uphold the justice concepts in the student conduct process, the SCA could be

risking potential litigation for the SCA and for the institution. Once the legal system is

involved in the student conduct process, it can take years for the issue to be resolved.

Understanding the components of due process and finding a way to weave the concepts of justice into the student conduct process will make a stronger process for participating students and staff.

The entire process that SCAs go through in utilizing the concept of justice is grounded in ensuring that students are treated properly as they go through the student conduct process. The categories of groundwork, procedures, and verification build on one another as SCAs create an environment in which students will be treated fairly. In this type of environment, students coming through the process may be more likely to participate and share with the SCA. The student who participates in the conduct process and feels fairly treated is more likely to learn (Stimpson & Janosik, 2011).

SCAs use an ethic of justice to lay the groundwork in preparation for meeting with a student, in the procedures that they follow throughout the conduct process, and by working to verify the information that they receive in various reports indicating that a student has violated the code of conduct. These components describe "system efficacy" (p. 4), as defined by Stimpson and Janosik (in press).

Although several aspects of the student conduct process are mandated by federal, state, and local laws and this contributes to the steps that SCAs take, they are much more concerned about students being treated fairly. They want students who come through the student conduct process to feel that they have been treated with respect and have been heard. These steps help the SCA to create an environment where students may be more likely to learn. If a student does not understand his or her rights and does not feel

free to tell his or her side of the story, he or she may be less likely to participate in the process, thereby not learning how the behavior was wrong nor understanding how to make better choices in the future.

Since SCAs are members of the higher education community, they have a responsibility as educators to make learning a priority in the student conduct process. The General Order (Code of Federal Regulations, 1968) states, "The discipline of students in the educational community is, in all but the case of irrevocable expulsion, a part of the teaching process" (p. 142). Judge Rivas, writing in *Dixon* (1961), stated,

> In the disciplining of college students there are no considerations of immediate danger to the public, or of peril to the national security, which should prevent the Board from exercising at least the fundamental principles of fairness by giving the accused students notice of the charges and an opportunity to be heard in their own defense. Indeed, the example set by the Board in failing to do, if not corrected by the courts, can well break the spirits of the expelled students and of others familiar with the injustice, and do inestimable harm to their education. (p. 157)

Even those in the legal profession point to the importance of the student conduct process focusing on education. The harm that can be done when the principles of fundamental fairness are not followed could scar students. If SCAs are not teaching students respect for the law and ethical decision making, then how are they fulfilling their obligations as educators for future citizenry?

An Ethic of Care

The concept of care was defined by Kitchner (1985) as having compassion or empathy. Throughout this study the participants described care and how they utilize it in their work as SCAs. For example, Leo stated, "I sanction with care" (416). Marvin described allowing a student time to make a good decision. James talked about walking through the conduct process with the student and helping whenever possible. As the participants described the concept of care, three categories emerged: response, consequences, and student needs.

The category of response, in other words how to respond to the students' behavior, developed as the participants described being holistic, appropriate, and individualistic. The notion of holistic demonstrated how the participants try to look at the whole picture of the student and the incident. Jess described it as looking at where the student is developmentally, what the home environment may be like, and what social justice issues the student may bring to the situation. Harv said that it was about looking at the student's situation, including conduct history, listening to what the student has said, and noting the severity of the incident. The notion of appropriate is taking the information in the report and provided by the student and developing a sanction that is suitable for the situation. Sam described it as being proportional, while Jess noted that the response should match the impact on the community. Individualistic is the notion that the SCA should to consider the needs of the student. Kate described trying to "figure out the best situation for the student involved" (720). Greg talked about approaching each situation as unique to the student, and Leo stated that "Everyone is

different. Every circumstance is different" (440-441). These steps help the SCA to develop a response to the situation that meets the needs of the student and the institution.

The category of consequences developed as the participants described what the outcome of the student conduct process should be. They described learning, impact, and reflection. The notion of learning was mentioned frequently. It was surprising that every participant mentioned learning and education. For example, Greg talked about the sanction teaching the student, while Marvin wanted the student to understand the behavior and how not to make the same choice again. Leo echoed this sentiment by describing the student making better choices in the future. Kate described the student needing to grow and develop. The notion of impact was about the participant understanding how the sanction may affect the student. Jess described knowing whether the sanction would affect the student's ability to study abroad. She discussed how the study abroad experience had significantly influenced her own life and stated that she is very cognizant before she takes that opportunity away from a student. Kate talked about the sanction possibly delaying graduation and taking that into consideration as she makes a decision. The final component of consequences was reflection. The participants described the importance of providing students with the opportunity to reflect on their choices and behavior. Jess described utilizing student development theory to have students write reflection papers. Marvin also discussed using reflection papers but reported that he assigns a specific topic for the paper. These three components help the SCA to formulate and develop the consequences to address the student's violations of the code of conduct.

The category of student needs described how the participants meet the needs of the student. They described helping students and getting the students the resources that they need. The notion of helping students was demonstrated by understanding the student's situation. Marvin described helping students to talk through how to tell their parents about their conduct violation. The notion of getting resources for the students details how the participants work to help a student to be successful. This may mean getting the student to counseling or finding a tutor. These steps illustrate that the participants want more than just to process students through the conduct review. They want students to graduate and move on to successful lives.

The SCA must be able to listen and be objective; the SCA must be able to establish rapport to develop a response that fits with the student and the behavior. The SCA must also understand the campus culture to apply an appropriate sanction. The SCA must also know what resources are available to students to give them the support that they need or to understand when the institution can no longer help the student and decide that the student is no longer welcome on campus.

> Colleges and universities and their students would benefit by thinking about student discipline in less adversarial and more developmental ways. Many disputes that now fill campus judicial systems might be better resolved through mediation. If disciplinary counseling is too problematic in the way we currently think about our disciplinary/judicial systems, perhaps we need to reframe our approach to include such methods as "caring confrontation," wherein the student's behavior is critically examined in a supportive relationship, and the

central goal of the process is to see what can be learned from the situation, but not so much the determination of guilt and the application of punishment.

(Dannells, 1997, pp. v-vi)

However, this learning and developmental process may be undermined if the institution has a prescribed set of sanctions by which SCAs are required to abide. There may be no decision for the SCA to make because it has been predetermined. One example of this may be a three-strikes policy, which states that a student with three university conduct code violations is automatically suspended or removed from the institution. Another example is automatic removal for an illegal drug violation. This policy would require the SCA to remove the student regardless of circumstances surrounding that violation. Although in theory these types of policies sound fair and consistent, the reality is that they affect each student differently and remove any opportunity for learning and education to occur by having a sanction tailored to the student's unique situation and development. SCAs must be concerned with both the procedural expectations that are required of them and the developmental task of helping students to be successful.

The Impact of Gender

The final research question considered the impact of gender on decision making by SCAs. In this study, gender was not a factor in the decision-making process of these participants. Clopton and Sorell (1993), Thoma (1986, 2002) and Bruess and Pearson (2002) found similar evidence that gender was not a factor in moral reasoning. The MJS results demonstrated that the participants were spread across the spectrum; two

participants Marvin and Leo (male and female) were in the *care* category. Two

participants Sam and Harv (male and female) were in the *justice with some care*

category. Four participants (two male, two female) were in the *care with a mixture of*

both justice and care category (Table 3). All of the participants discussed using both

justice and care throughout the conduct process.

Recommendations for Practice

Assessment of Learning

One theme that emerged in this study of SCAs was the concept of learning. The

participants repeatedly mentioned the importance of the student learning something from

the student conduct process, particularly with regard to the consequences or outcomes of

the process. Bresciani (2012) advocated for student affairs professionals to tie their

work back to the academic mission of the institution. "It is critical that student affairs

professionals begin to articulate that they are uniquely prepared to make specific

contributions to the academy" (p. 40). As shrinking budgets continue to be the norm in

higher education, student affairs professionals must be able to articulate how the work

that they do is essential to student learning in higher education. Specifically with regard

to student conduct, Bresciani (2012) asked, "Who else on campus has the formal training

and experiential breadth in both legal and adolescent behavior to deal with the increasing

range of student conduct?" (p. 40). The intersection of student conduct and learning is

critical to student affairs. SCAs should not only tie learning to the academic mission of

the institution; they should demonstrate that learning occurred and document it through a

comprehensive assessment process. They should educate faculty and upper-level institutional administrators regarding their role in educating students.

Understanding the Legal Requirements

As the concept of justice was explored in this study, it became apparent that SCAs should understand the legal requirements for their positions. They should know what is required of them to fulfill the obligations of due process, both substantive due process and procedural due process. They should have a skill set that includes the ability to ask questions and gather information from multiple sources to try to get to the essential information to make a determination that a violation of the student code of conduct has or has not occurred. For SCAs who have not taken a higher education law class and do not have a basic understanding of due process in student conduct, ASCA offers an intense 4-day training workshop that highlights the basic competencies needed to work as the SCA. This academy focuses on such topics as the legal requirements of due process, methods of conflict resolution, the basics of student development theory, and the role of assessment in student conduct, as well as several other topics.

Training on the Sanctioning Process

The sanctioning portion of the student conduct process provides the SCA with a significant amount of discretion. However, it is an area that offers little or no training on how to develop an appropriate sanction. The participants in this study indicated that care is a significant component in the sanctioning process; however, there is no training or preparation to assist SCAs in making decisions about sanction.

Those who matriculate through master's degree programs may have an

understanding of student development theory. However, this does not ensure that the

SCA will be able to apply that knowledge appropriately in the student conduct process.

To address this area, it would be beneficial for the ASCA to develop and offer a session

on sanctioning at their Gehring Academy Training Institute Session. This workshop

does an excellent job of highlighting legal foundations and procedural issues related to

student conduct; this component would add significantly to that training.

Understanding Campus Resources

As the concept of care was explored, it became apparent that SCAs must have a

foundational understanding of student development theory and be able apply those

theories with the students whom they see in the conduct office. They must know what

resources on their campuses are available to students, including counseling services,

tutoring, study skills assessment, or other support services that assist students to

matriculation. Several participants mentioned that it was important to provide students

with resources to be successful; therefore, the SCA should know what is available on the

campus for the student.

Supervision

In many instances, SCAs are asked why they made the decision that they did and

to justify that decision. All of the participants in this study were mid-level managers in

complex higher education organizations. They often have to articulate the decisions that

they have made to people in the upper levels of the institution. It may be helpful for

supervisors to start asking *how* the decision was made and to have the SCA walk through

that process instead of focusing on *why* the decision was made. This would require a shift in thinking by both supervisor and student conduct staff, but it may help everyone to understand the decisions, as well as articulate the decision to others inside and outside of the institution.

Recommendations for Further Research

This study focused on mid-level SCAs at large public research intuitions. Further research is needed on SCAs at smaller public institutions, private institutions, and community colleges. SCAs at each of these types of institution may approach student conduct in different ways. For example, private institutions are not required to follow the legal mandates of due process. In addition, they may have religious tenants that guide their student conduct process. These variables could fundamentally change how the concepts of justice and care are utilized in their conduct process. Another aspect that is different at each of these types of institutions is the kind of student who attends. For example, community colleges, with open enrollment, see a wide spectrum of students from the financially restricted who plan to transfer to the 4-year institution to the returning adult seeking vocational skills to students who cannot be admitted to the 4-year institution because of poor academic credentials. This variety of students can significantly change the tenor of the student conduct process and affect how the SCA approaches the situation. This topic of institutional differences should be explored.

Further research is needed to further into moral orientation. This would include asking SCAs to talk about real scenarios in which they had an ethical choice, then evaluate the choice to determine whether the SCA utilized the concept of justice or care.

Millette (1994) conducted a similar study with nurses. A key finding in the study indicated that nurses who used a justice orientation were more likely to stay in the nursing profession than those who used a care orientation. In knowing that SCAs are often in stressful situations, it would be beneficial to know whether they are leaving the profession and to identify the potential relationship between moral orientation and position duration. It would also be interesting to know whether those who leaving the professional position are moving out or moving up. Anecdotal evidence suggests that student conduct experience prepares people with skills to navigate the upper echelons of student affairs administration. If research supports this notion, professional training, such as workshops and continuing education, could be developed to enhance those skills in preparation for upward career mobility in student affairs administration.

Another area of research is the student perspective and the impact that a SCAs moral orientation may have on the student participating in the conduct process. As the area of moral orientation of SCAs is explored, more questions will emerge, such as the type of allegation and its impact on justice and care. For example, would someone who is alleged to have committed a sexual assault be treated differently by an SCA with a care orientation versus an SCA with a justice orientation? Is there a relationship between the severity of the possible sanction and the SCA's moral orientation? Also, it may be important to know whether the demeanor of the alleged student is affected by the SCA's moral orientation. For example, if the alleged student is repentant, does the SCA with a care orientation apply sanctions differently from the SCA with a justice orientation? Another question that arises relates to gender. What is the relationship

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between the gender of the student and the sanction imposed by the SCA with a care

orientation versus the SCA with a justice orientation? The conduct process is an

interaction between an SCA and a student. The inclination of the SCA may affect a

student and potentially the student's status in an institution of higher education.

Therefore, understanding the student's perspective may help the SCA to understand the

impact on a student and the student's perceptions of the student conduct process.

All but one participant in this study had previously worked in residence life in

some capacity. Six of the seven had served as a residence hall director, either in

graduate school or as a full-time professional. James worked in residence life as a

coordinator in the area of conduct after law school but did not serve as a residence hall

director in any capacity. Anecdotally, it is known that residence life often serves as a

pathway to student conduct. However, research is needed to determine whether

residence life is a career path to student conduct. In addition, it would be helpful to

identify the skill sets that a residence life staff member develops through those

experiences and how that is beneficial to student conduct.

Conclusion

This study examined the experiences of eight SCAs in decision making through

the lenses of justice and care. These two concepts were found to be interwoven

throughout the student conduct process. It was not a binary choice of justice or care; but

both concepts were used. The concept of justice guided the findings phase in which the

SCA must determine whether a student has violated the college or university code of

conduct. The concept of care was utilized through the sanctioning phase of the student

conduct process when the SCA must determine an appropriate response to a student's

violation of the code of conduct. As the field of student conduct continues to evolve, it

is essential that the concepts of justice and care continue to be utilized together, as they

both play a vital role in the education of students on the college campus.

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APPENDIX A

LETTER TO PARTICIPANTS

Dear …

Thank you for agreeing to serve as a participant in my dissertation research. I am very excited that you have agreed to share your experiences with me. As I mentioned in our telephone conversation, the study focuses on the decision-making of student conduct administrators.

The study will consist of two parts: a survey and an interview. The survey will be emailed to you when I have received your signed consent form. The survey should take approximately 30 minutes.

Upon completion of the survey, I will be in contact with you to schedule a follow-up interview. The follow up interview should take approximately 60-90 minutes and will take place in person. Any additional follow up may occur over the telephone.

Your names and responses will be kept confidential and will not be shared with anyone else. Pseudonyms will be used throughout the study and any information you share will reported through the pseudonym.

Enclosed with this letter is a copy of the informed consent form. I ask that you read through the information and sign it. Once completed, please send it back to me.

Again, thank you for agreeing to participate in my dissertation study.

If you have any questions, please feel free to contact me or my chair, Dr. Kelli Peck Parrott.

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CONSENT FORM

Moral Orientation of Student Conduct Administrators

Introduction
The purpose of this form is to provide you information that may affect your decision as to whether or not to participate in this research study. If you decide to participate in this study, this form will also be used to record your consent.

You have been asked to participate in a research project studying the moral orientation of student conduct administrators. The purpose of this study is to determine if student conduct administrators use an ethic of justice or an ethic of care when making decisions and if so, when. You were selected to be a possible participant because you are work full-time in student conduct.

What will I be asked to do?
If you agree to participate in this study, you will be asked to take an assessment and have a conversation with the researcher about your experiences as a student conduct administrator as well as about your assessment. This study will last approximately 4-6 weeks. During the first week, you will be taking the assessment which should take approximately 30 minutes. During the next 2-4 weeks, the research will contact you for an hour to two hour discussion.

What are the risks involved in this study?
The risks associated in this study are minimal, and are not greater than risks ordinarily encountered in daily life. Data collected will not be stored with your name, but shall be coded. Any list linking your name with your code will be shredded following collection of the study.

What are the possible benefits of this study?
The possible benefits of participation are the opportunity to have a conversation with the researcher about how you make your moral orientation and how you make decisions.

Do I have to participate?
No. Your participation is voluntary. You may decide not to participate or to withdraw at any time.
Who will know about my participation in this research study?
The records of this study will be kept private. No identifiers linking you to this study will be included in any sort of report that might be published. Research records will be stored securely and Jennifer Waller will have access to the records.

Whom do I contact with questions about the research?
If you have questions regarding this study, you may contact Jennifer Waller, XXX-XXX-XXXX, xxxxxxxx@tamu.edu or Dr. Kelli Peck-Parrott, kpparrott@tamu.edu.

Whom do I contact about my rights as a research participant?
This research study has been reviewed by the Human Subjects' Protection Program and/or the Institutional Review Board at Texas A&M University. For research-related problems or questions regarding your rights as a research participant, you can contact these offices at (979)458-4067 or irb@tamu.edu.

Signature
Please be sure you have read the above information, asked questions and received answers to your satisfaction. You will be given a copy of the consent form for your records. By signing this document, you consent to participate in this study.

Signature of Participant:_____   Date: _____

Printed Name: _____

Participant Email Address: _____

Signature of Person Obtaining Consent: _____   Date: _____

Printed Name: _____

APPENDIX C

INTERVIEW PROTOCOL

1. Tell me about your career path and how you have come to your current position.

2. Tell me about any literature, model or theory that guides your philosophy in student conduct.

3. When you are given a new case, what happen?

4. Are there presumptions when you are given a new case?

    4.a. If so, what are some of those presumptions?

5. What process do you do through to determine if a violation has occurred?

    5.a. What role does the concept of justice play?

    5.b. What role does the concept of care play?

6. If you have 4 people involved in the same fact pattern, can you have differential sanctioning?

    6.a. Why or why not?

7. Does remorse play a role in sanctioning?

    7.a. Why or why not?

8. Are there factors that have caused you to consider other sanctions?

    8.a. If so, what are they?

9. I have the results of the moral justification scale that you took. The results indicated that you have a preference for X.

    9.a. What are your initial thoughts?

    9.b. Does this resonant with you? Why or why not?