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Due Process in Academic & Student Misconduct at Community Colleges: An Analysis of
Policies, Practices, and Standards through the Lens of Principal-Agent Theory

A Dissertation

Presented to the Faculty of the
Department of Public Policy and Administration
West Chester University
West Chester, Pennsylvania

In Partial Fulfillment of the Requirements for the Degree of
Doctor of Public Administration

By

Erin Sandonato Logan

May 2021

Dedication

To the community college faculty and administrators who go to work every day understanding the value of our students and our campuses, who recognize the importance of educational processes in and out of the classroom, who collaborate across divisions, and who strive to make the dream of equitable education a reality for each and every student.

Acknowledgements

The journey to this educational endeavor has been nothing short of extraordinary and I am so grateful for not having to travel it alone. From support to understanding, grace to encouragement, tutoring to constant reminders to stop being so hard on myself, the people who traveled by my side made each and every day better. The completion of this study is reflective of the influences, guidance, lessons, and insights of this amazing support team.

As a graduate student at West Chester University in a new field of study and not being on campus but a time zone away, I relied heavily on two specific faculty to for nearly everything for the first year and a half of this journey. To Dr. Kristen Crossney and Dr. Mark Davis who challenged me in each class, supported me through my moments of panic, and allowed me to question everything while learning a new field of study, thank you. If not for your support from beginning to end, this journey would have not been possible.

For the last year of this amazing ride, I needed to learn to trust myself, but I needed help learning to do so. For that, I would like to express my unwavering gratitude and overwhelming appreciation for the best dissertation advisor I ever could have imagined, Dr. Mia Ocean. Your support, understanding, encouragement, and honesty allowed me to work through each step of this process with confidence. I believe it was kismet that you were suggested as a potential advisor. When I learned you were a fellow community college advocate and UWF Argo, I knew I would be in excellent hands.

One thing I have learned in my higher education career that was confirmed through the lessons learned in my DPA coursework is the importance of strong leadership and management to produce the best outcomes in employees. To you, (Future Dr.) Kirby Harzman and Vice President Lance Newbold, thank you for personifying this lesson. Thank you for taking a chance on me when I needed it most. Thank you for supporting me, trusting me, and showing grace as I

traveled this crazy road that tested me on more than one occasion. I am so grateful to serve on your team.

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Professional organizations bring people together and connections are sometimes made that span far beyond the walls of that organization. The Association for Student Conduct Administration may have introduced us, but the friendship and steadfast support you have shown me over the past several years is exactly what I needed most. I know in my heart that I am at this point because you, Dr. Heather Kloeker-Webster and Dr. Brian Glick. Thank you.

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On day one of my career in higher education, a coworker told me to look outside of everything I learned in graduate school and not be afraid to step outside of the traditional student affairs mold when working through difficult student issues. Teresa Taylor, your words have stuck with me for the past (almost) 16 years and a major influence in my pursuit of an advanced degree in Public Administration. Your friendship, support, talks, and advice have been a saving

grace through some of the most difficult times a higher education professional ever experiences.

You are my soul sister and will forever hold a special place in my heart.

I am who I am because of my amazing parents who have supported me through every step forward, every misstep, every high, and every low. Mom and Dad, you are my inspiration and my motivation. I love you with my whole heart.

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Abstract

With limited research exploring the relationship between due process and misconduct processes at community colleges, this research allowed the voices of the practitioners administering misconduct policies to be heard and assist in creating consistent, meaningful practices for their community college campuses. This study explored community college student conduct administrators' perceptions on the fairness, equity, and due process standards in the academic misconduct policies compared to their campuses' policies for student misconduct.

This mixed methods approach surveyed student conduct officers and allowed them to provide narrative responses to justify their beliefs. The data was coded using concepts specific to Principal-Agent Theory and due process. Principal-Agent Theory was selected as the constant because of the relational and contractual elements, mixed with the bureaucratic processes that can be found in both the field of higher education administration and the field of public administration.

From the analysis of the participants' responses, two main themes emerged. The first theme shows that combined efforts to manage misconduct between the academic and student affairs processes provide higher due process for students alleged to have violated academic misconduct processes. The second theme shows that the practitioner's perception of due process afforded to students under these policies is higher than the reality of the practice. Based on the themes and research questions, recommendations for practice were made, as well as for future research or study to ensure adequate due process standards are provided to community college students as they navigate both the academic misconduct and student conduct processes.

Table of Contents

List of Tables	vii
Chapter 1: Introduction	1
Chapter 2: Literature Review	5
Chapter 3: Methods	23
Chapter 4: Results	33
Chapter 5: Discussion and Conclusion	44
References	49
Appendices	53

List of Tables

1. Table 1: Participant Demographics.....	26
2. Table 2: Participant Professional Experience.....	27
3. Table 3: Campus Information	27
4. Table 4: Case Related Information	35
5. Table 5: Due Process	36

CHAPTER 1

Introduction

For more than 300 years, higher education administrators have practiced some form of disciplinary measures when dealing with student and academic misconduct on their campuses (Tilak, 2010). Most behavior-related misconduct is managed under the student code of conduct, housed in the Division of Student Affairs, but certain issues are left up to the administration in other divisions to create policies and adjudication processes for the enforcement of misconduct (Tilak, 2010). At most universities, academic misconduct violations have a standardized method by which incidents are handled. Community colleges tend to have the formal, centralized processes for student conduct, but often have decentralized processes for academic misconduct violations (Mitchell, et al, 2011). With no centralized repository, recognition of patterns and multiple incidents from the same student becomes difficult, especially when students are taking classes across divisions instead of a focused major. Some campuses provide parameters for the faculty to work within, and some campuses leave it completely up to the discretion of the instructor what outcomes or sanctions to impose (Ferlie, et al, 2008). When processes are not in place and guidelines are not established for deciding if a suspected violation is substantiated, faculty can choose their own procedures, creating questions as to if the students are receiving adequate due process (Mitchell, et al, 2011).

Research Questions

With limited research specifically exploring the relationship between due process and misconduct processes in the community college setting, this research will allow the voices of the practitioners administering misconduct policies to be heard and assist in creating consistent, meaningful policies for their community college campuses. To that end, I am exploring community college student conduct administrators' perceptions on the fairness, equity and due

process standards in the academic misconduct policies compared to their campuses policies for student misconduct. My study is mixed methods and my research questions are:

1. How does the due process of responding students vary between academic misconduct and student misconduct policies and procedures on community college campuses?
2. How do the various methods used to process cases vary between academic misconduct and student conduct policies and procedures on community college campuses?

Definitions

For the purposes of this study, the following definitions will be used.

Academic Misconduct, as defined by the International Center for Academic Integrity (ICAI), is any act, or knowingly aiding another person's commission, of plagiarism, cheating, or unauthorized collaboration within the educational setting.

Community Colleges, as defined by The Carnegie Classification of Institutions of Higher Education, are institutions that award associate's degrees as the highest level degree. Within the Community College classification, institutions are then broken down in nine subsections. These subsections are as follows:

- High Transfer-High Traditional
- High Transfer-Mixed Traditional/Nontraditional
- High Transfer-High Nontraditional
- Mixed Transfer/Career & Technical-High Traditional
- Mixed Transfer/Career & Technical-Mixed Traditional/Nontraditional
- Mixed Transfer/Career & Technical-High Nontraditional
- High Career & Technical-High Traditional
- High Career & Technical-Mixed Traditional/Nontraditional

- High Career & Technical-High Nontraditional

Decision Makers are defined as the campus faculty member or administrator responsible for rendering an outcome at any stage of the misconduct process.

Due Process is a concept that comes from the Constitution and Bill of Rights to ensure procedural adequacies are properly afforded before the removal of life, liberty, or property by an authority agency.

Policies are the formal written guidelines for the permitted or prohibited expectations regulations of campus.

Procedures are the steps to enforce or complete the campus policies.

Student Misconduct is defined as violations of expected behavior expectations of student members of the campus community.

Student Codes of Conduct are the list of permitted or prohibited behavior expectations for student members of the community.

Overview and Organization of the Study

In Chapter 2, I explore the research and information related to the due process implications within the procedures and policies of academic and student misconduct at community colleges. With limited, specific research associated with this specific area of higher education administration, I looked at case law on the adjacent topic of misconduct in higher education, not limiting it to community colleges. From this exploration of work and law, themes of inequities within standards, record keeping, and outcomes began to emerge, forming the foundation for this study to be formed for the specific exploration of the topic on community college campuses.

Chapter 3 details the mixed methods survey that was administered to student conduct officers. I asked participants to provide narrative and explanation for their responses to questions on the topics of due process, fairness, perception of equity, and quality of policies and procedures on their campuses. This was coupled with demographic data collection on both the participant and the institution they serve. Upon receiving the data, Principal-Agent Theory and the primary standards of due process were used to code the raw data.

The analysis of raw data, found in Chapter 4, ultimately led to two main themes. First, when academic misconduct and student conduct processes remove the siloes and operate in conjunction with one another, higher levels of due process are afforded to the students who participate in either process. The second theme, in tandem with theme one, shows that while intentions and perceptions of due process, fairness, and equity are high, the reality of the policy and procedures that guide the actual practice are moderate to low. Based on these themes and the corresponding findings to the above mentioned research questions, Chapter 5 provides recommendations for practice and future research areas.

CHAPTER 2

Literature Review

The modern-day processes for resolving issues of student misconduct are complicated by federal mandates, requirements of other safety measures, politics, and the current societal events. The contributing factors are Title IX, the Jeanne Clery Act, school shootings, political measures to allow weapons on campus, and a divergence from the typical education and training paths of higher education administrators, specifically those working with conduct. In addition, as campuses see an increase in part-time and adjunct faculty, less importance is placed on basic classroom management practices, leaving student conduct administrators in a role to articulate and mediate basic classroom etiquette (Tilak, 2010). Conduct administrators typically offer two ways of handling classroom: the formal conduct process or the informal mediation process.

Student conduct work is rooted in consistency, fairness, and individualization of cases, creating a standardized set of community standards that ensure safety and security, as well as maximize the use of the learning environment, outside of the classroom (Tilak, 2010). Student conduct should be a learning processes, grounded in education, ethics, and understanding. These processes govern campuses, much like laws in a city or state, but to be effective, these processes need to be enforced in an equitable way. When campuses allow for too much variance in the administration of their policies, regardless of division, issues can arise. To fully understand these practices and to assess improvement potential of the inner workings of the relationships between student conduct processes and academic misconduct processes, while evaluating whether or not equity exists in the oversight, or policy management, of these processes, it is necessary to look at each component separately, due to the minimal amount of existing research and literature on this specific topic (Ferlie, et al, 2008). The literature has been broken down into four parts. The first part is the application of due process in the education setting. This is followed by literature on

student conduct principals, then academic misconduct. Finally, an exploration of relevant case law will be discussed to provide context behind some of the regularly practiced elements of due process as it relates to student conduct and academic misconduct processes.

Other inequities with this process fall within the outcomes or sanctioning portion of the process. In standardized processes, outcomes for violations are part of the standardization. Some campuses provide parameters for the faculty to work within, and some campuses leave it completely up to the discretion of the instructor what outcomes or sanctions to impose (Ferlie, et al, 2008). When process and procedure are not in place and no guidelines are established for deciding if a suspected violation is substantiated, faculty can choose their own processes (Mitchell, et al, 2011).

This literature review is going to explore how due process responding students vary between academic misconduct and student conduct policies and procedures, as well as how the numerous methods used to process cases vary between academic misconduct and student conduct policies and procedures. Because there is very little research specific to community colleges on this topic, research from universities was used to assess for the purpose of creating benchmarks and baselines for standards.

Due Process

For most professions, having a specific education is required. For example, to be an accountant, a student should major in accounting; to be a teacher, a student should major in education; or to be a nurse, a student needs to complete an accredited nursing program. When a student jeopardizes the opportunity to receive that education resulting in the permanent removal from a class, program, or entire institution, it is important for that removal to be justified by fair processes, through well-written policies, trained facilitators, and thorough investigations (Parkin,

2012). Students should have the opportunity to defend themselves, confront the person(s) making the accusation, and actively participate in the proceedings of determination. When any, or all, elements are not provided, students often take to the courts to overturn the school's decision and acquire reinstatement to that class, specific program, or school (Parkin, 2012). Typically, these cases are filed under a due process violation complaint.

The 14th amendment to the Constitution prohibits the state from denying a person the right to life, liberty, or property without due process of law. Due process requires that disciplinary situations be handled procedurally and/or substantively. These should be fair processes that include notification of the allegations and the opportunity for the respondent to tell their side of the story. In addition, these proceedings should be rational and void of opinion. It has been determined through the courts that a contractual relationship, although implied, between the school and the student does exist (Blechman, 2002). Blechman's report explains that the contract begins at the point of acceptance and is fulfilled when the student pays tuition or receives financial aid to cover costs, and then completes the degree requirements for the selected program of study (2002).

In academic misconduct cases, challenges are often not successful when based on procedural due process violations. Longstanding and robust precedent shows that even when hearing panel requirements exist for expulsion outcomes in all other cases, academic misconduct cases are exempt and do not need to use a hearing panel for expulsion decisions. This precedent uses the notice provided to the student of unsatisfactory academic execution, as well as the time and intentionality of the college or university's action as the fulfillment of procedural due process (Parkin, 2012). Policies and procedures on university campuses, when well-written and properly managed, can provide adequate due process leading up to the point of expulsion,

rendering the outcome of suspension or expulsion justified. In some cases, however, universities have not had to follow the policies and procedures in academic misconduct cases to receive winning judgements with no due process violations found in cases of academic misconduct.

In cases that the student claims procedural due process and discrimination or another nonacademic justification for the original finding, there is a history of higher courts reversing the lower courts' decision based on nonacademic justification. An example from Oklahoma provided by Blechman (2002) involved a student found responsible for violating a university's academic integrity policy. The student was denied the opportunity to confront his accuser in the hearing. The student sued and lost. On a judicial appeal, the student added the claim of gender discrimination, and with all other facts being constant, the high court overturned the finding and ruled in favor of the student, with justification resting in the claim of discrimination (Blechman, 2002).

For students who find themselves as the respondent in a misconduct case of any kind, the ramifications can be detrimental to their livelihood, possibly resulting in a significant impact to the students' finances, reputation, and future employment. Because of that, it may be presumed that these processes would be handled in the fairest, most justifiable manner, ensuring the highest level of response, care, and due process. Unfortunately, that is not always the case. There is no clear line between student misconduct and academic misconduct. There is no clear distinction as to when a case is handled on the academic side or the student conduct side, and at times the distinguishing factors can be different within the same college or university. What the field of higher education is seeing, however, is the outcome is dependent on which side hears the case. When challenges are presented to findings of cases heard under the academic procedures, courts tend to rule in favor of the university (Kirp, 1976). The reverse is also seen. If cases are heard in

student conduct or there are other, nonacademic related factors, courts are known to side with the complainant, even in cases where higher levels of due process have been awarded and policies are stronger on the student misconduct side (Reilly, 2016).

For nearly ten years, the impedance importance of due process has once again been front and center in the higher education realm mostly due to the 2011 “Dear Colleague” letter issued by the US Department of Education’s Office of Civil Rights (OCR) and the vast requirement changes to the Title IX processes dealing specifically with sexual misconduct on college and university campuses (Reilly, 2016). A significant portion of the guidance outlined in the letter had to do with the protections of the complainant, but also outlining requirements for an equitable grievance procedure for both the complainant and respondent. This catalyst pushed many colleges and universities to reevaluate the student discipline related policies, procedures, and practices, specifically evaluating due process, equity, and fairness. The same examination of academic misconduct policies was not as prevalent (Reilly, 2016).

In recent years, and cases, there has been a surge in due process violation complaints filed with the courts because the students were denied, in full or part, attorney representation. The complainant claims that their ability to actively participate in the hearing, cross-examine witnesses, speak up on violations of hearsay, evidence, and/or appropriately argue against objections from the respondent is a critical part of the process and a protected right under due process (Reilly, 2016). Reilly’s research found that because these hearings are administrative and educational processes, courts across the country have found that students facing disciplinary processes are not afforded all the same due process rights as individuals facing criminal charges in a court of law (2016). When a student is denied the right to challenge the credibility of witnesses for the respondent, Reilly found that the courts have more consistently agreed that this

strips the student of due process rights because of the impact of credibility within these hearings (2016).

The controversy arises between practitioners who work with student misconduct and those who work with academic misconduct because of the differences in which the due process requirement of impartiality is expected between the two processes (Reilly, 2016). In cases of student misconduct, there needs to be impartiality on the part of any investigator or decision-maker within the process. If bias is suspected, it is up to the respondent to provide proof, beyond ideas of speculation. Training on the topic, not the case itself, is not sufficient (Reilly, 2016). Reilly's review of this issue found that this requirement specifically related to intimate knowledge of facts within the case, personal bias against a party or witness in the case, and/or existing and public opinions on the violation(s) within the case (2016). Academic misconduct, however, is handled quite differently. David Kirp used case law to examine the bureaucracy and double standards within the procedures of due process in an educational environment for his 1976 Stanford Law Review. Rachel King used student experiences in her 2012 research. Both King and Kirp found that due process is a requirement within the student conduct hearing processes (1976, 2012). In academic misconduct cases, however, the instructor for the course has the ability to decide and, depending on the institutional policy, hearings or opportunities for students to present an argument for themselves are optional, even when removal from the course is the outcome (1976, 2012). This is in direct contradiction to the standards placed on student conduct practices involving nonacademic violations.

Student Misconduct

Student behavior on college campuses is a fundamental part of campus safety and security, but it is also a fundamental part of the student's ability to grow and develop into the

understanding, ethical, and contributing members of the community (Lancaster, 2012).

Professionals working in the field of conduct administration must maintain a balance between community safety, student learning, and consistency in practice. Student codes of conduct must be written in a manner that is specific but also leaves room for unforeseen violations (Black, 2010). Processes must be student friendly, but also show a high level of professionalism, opportunity, and fairness. Student conduct professionals are advocates for students but supporters of faculty, and they must maintain a neutrality that is reminiscent to a judge in a court of law. Lancaster (2012) characterizes the process of student conduct administration as one hosted by an impactful facilitator, leading with a high level of ethical care and moral justice, who creates pathways to resolutions that keep the entire student's well-being in mind. They must be able to be empathetic, work well in high stress situation, credible, and able to create rapport very quickly to be the most successful in moral and ethical development of the student (Lancaster, 2012). The hearing process, when conducted properly will allow for conversation, understanding, and social and restorative justice practices (Lancaster, 2012). There are a number of factor that go well beyond the basic procedures for hearing a student conduct case and rendering a decision. The first, and most important factor to consider intent of the students' actions (Black, 2010).

The topic of intent is a critical element in the discussion of zero-tolerance policies on college and university campuses. When a student has intent, justification for any disciplinary action can be made, but if there is no intent from the student and the same course of action is taken, campuses could face an uphill battle fighting a due process complaint (Black, 2010). When campuses have zero tolerance policies for various violations and suspension or expulsion is a possible outcome, the college or university must ensure intent. Otherwise, the administration

is depriving students of rights afforded to them under statutes at both the state and federal level (Black, 2010). Black examined an obvious argument for violations related to drugs or weapons having a zero-tolerance mentality, mainly in the stance that both drugs and alcohol have an immediate and dangerous impact on the community (2010). His findings showed that even in those situations, individualization of cases is still the best course of action (Black, 2010). In addition to the belief that extenuating circumstances have unintended consequences, Black explains that when cases go before a judge and jury, a compelling story, prior unjust actions, and other details play a major role (2010). Knowing that information, understanding the intent, and using the strength of individualization will create better educational outcomes for the student and the community has a better opportunity to learn and grow, as well.

Student conduct processes have become more intentional, with an increased focus on the student instead of on the conduct. This developmental approach had its onset at a time when society was increasing in its now commonplace litigious nature, and the judicial system was seemingly less generous towards higher education processes, resulting in a new requirement of knowledge in the area of students' rights and responsibilities by conduct administrators (Stimpson & Stimpson, 2008). Supported by Mullane (1999), not a lot of change has occurred in the near decade that separated their work. Stimpson and Stimpson (2008) had the same findings as Mullane (1999) in that there is a heavy reliance and need for a more in depth understanding of the legal system, its structure, and certain verbiage to ensure specific legal requirements were being met. This led to the onset of more and more institutions of higher education moving away from traditional student affairs conduct officers and moving toward individuals with legal backgrounds and/or law degrees (Stimpson & Stimpson, 2008).

The practitioners in the field, however, are divided on how legal conduct should be handled and if law degrees should be a requirement. For many practitioners, providing educational opportunities for students to learn from their mistakes in a safe environment is the top priority of the process (Swinton, 2008). The educational focus is stunted by overly legal protocols and these protocols create a punitive process. In addition, the legal emphasis tends to create a comparison between the legal proceedings in a court of law and the campus discipline processes for student conduct (Swinton, 2008). This comparison creates confusion and unreasonable procedural expectations for the student (Stimpson & Stimpson, 2008). If campus processes are excessively legal, it becomes difficult to individualize each case and adapt outcomes to fit the best interest of the student. Swinton's research also found that while campuses were placing importance on the legal process, the legal process did not often side with the campus (2008).

Academic Misconduct

Over time, college and university campuses have synchronized the different variations of definitions within academic misconduct policies. There is consistency in policies and expectations for the various elements of academic misconduct, but there are deficiencies in the policies, practices, and enforcement (Macfarlane, et al, 2014). Sarah Eaton's 2017 findings on the exploration of institutional variations in policy definitions of plagiarism, using 20 English-speaking universities in Canada, found consistency in definitions, but they did not articulate consistency in policy statements, best procedural practices, or standardized outcomes for various violations. Eaton (2012) suggests that if more consistency was in place on the enforcement aspect of these policies, incidents of academic misconduct will decrease.

Johnson's 2003 analysis of academic misconduct processes and policies went a little deeper into the policy handling for academic misconduct and, too, found inconsistencies in the policies between institutions, but he found disparities from division to division within the same university. Johnson's research went on to find the alarming rates at which academic misconduct was occurring at the university level, citing one study that surveyed 6,000 undergraduate students and of those 6,000 students, 52% of them admitted to cheating (2003). Johnson's study was specifically designed to explore how policies on different campuses compare to each other, the promotion of the policy and education of the policy to students, then comparing that information to student data collected to assess the success of campus policy (2003). The findings show that campuses with consistent and well-articulated policies, who spend the time on campus promotion and education, will have a statistically significant lower rate of academic misconduct cases (Johnson, 2003). Finally, Johnson, like with Eaton, made no mention of due process, educational outcomes, or constructive dialogue (2003, 2013).

As more and more campuses began increasing their global presence through more extensive online learning and alternative instruction formats, academic integrity had an increase in interest from researchers (Macfarlanea, et al, 2014). This expansion has forced campuses to explore new and innovative ways to manage academic misconduct, a shift in terminology, and push for better collaboration with the professionals who work with the student conduct matters on campuses (Macfarlanea, et al, 2014). Even with a need for a more progressive approach, due process is a forefront concern for academic misconduct adjudication. The processes explored, once again, grant decision-making power to the faculty member of the course in which the misconduct occurred and for first offences, did not require anything more than minimal notification to the student (Macfarlanea, et al, 2014).

In addition to the advancements in online learning, the mid-2010's brought a resurgence of free speech, academic freedom, and ethical concerns to the forefront of the higher education area (Sultana, 2018). The expectation for standards, rigor, and integrity became a requirement for students. As the push for standards rose, so did the exploration of academic case law related to free speech and due process. Sultana (2018), while exploring free speech cases related to the increased presence of white supremacy on college campuses, in the form of both student and faculty, inadvertently stumbled onto a minimal showing of due process in academic policies. The limited due process, however, had little to no effect on cases that went to court under the guise of academic processes (Sultana, 2018). Consistently, various research, while limited in overall scope, has shown that the courts tend to side with the colleges and universities because of an ingrained trust, high-level of respect, and assumptions of the fairness within the processes.

Case Law

Because of the legalities encompassed in the policies governing higher education policy, in particular with student conduct and academic conduct policies, it is important to understand the decisions made and to see real-world examples of the court's rulings on these topics. These cases are the either key in changing the trajectory of conduct practices in regard to due process or recent cases that illustrate the longstanding differences between the management of the two areas.

Dixon v. Alabama (1961)

In 1961, six students of Alabama State University, a segregated black college, were expelled. It is assumed that the students received the expulsion because of their participation in various protests and demonstrations related to the Civil Rights Movement, however no notification of reason was provided to the students (Lee, 2014). Alabama State University,

acting in loco parentis, issued the expulsion without a hearing or speaking to the students in any form. After appealing, the Fifth Circuit ruled in favor of the students, stating that public colleges and universities must provide at least minimal due process prior to the expulsion of students (Dixon v. Alabama, 1961). This is considered a landmark case and one of the most prominent in students' rights on college and university campuses.

Byerly v. Virginia Polytechnic and State University (2019)

Matthew Byerly was a student at Virginia Polytechnic and State University (Virginia Tech) in the fall of 2016 when he received a failing grade on a final exam. He appealed his grade and went before the school's honor panel during the spring semester of 2017, where he claims they refused to allow him to formally face his accuser, creating his allegations that Virginia Tech failed to provide adequate due process as afforded under the Fourteenth Amendment of the Constitution (Byerly v. Virginia Tech, 2019). Because Byerly had plans to attend medical school, this failing grade would have a damaging effect on his plans. He continued his justification for due process violations under the interest of protected property under the Constitution by way of the purchased credits for the course of which he failed. The judge in this case threw out the due process violation on the basis that Virginia Tech did not have policies creating protected property under the Constitution. To this, Virginia Tech requested and received a dismissal of the entire case based on the absence of a due process violation. In the judge's findings, he stated that while Byerly would be unable to move forward in his exact educational pursuits, he had no basis for a claim of loss of liberty or property under the Fourteenth Amendment (Byerly v. Virginia Tech, 2019).

Worcester v. Stark State University (2020)

Memorandum Opinion granting Defendant's Motion to Dismiss. Plaintiff, a former dental hygiene program student at Stark State College (SSC), alleged violations of her procedural and substantive due process rights under section 1983 and a breach of contract claim. SSC dismissed Plaintiff through a letter after she was accused of taking dental impressions of patients from SSC's property in violation of SSC policy (Worcester v. Stark State, 2020). Characterizing the dismissal as "clearly academic in nature" and affording the requisite deference to SSC to make academic decisions, the court dismissed Plaintiff's procedural due process claim. Plaintiff took a dental impression outside of the clinical setting, revealed this to a professor who immediately notified her that her conduct was unacceptable, and SSC dismissed her one week later, which was sufficient time for SSC to make its decision in a "careful and deliberate" manner (Worcester v. Stark State, 2020). Further Plaintiff violated at least two academic standards by providing dental services without appropriate permission and supervision and neglecting a patient's medical history and conditions during provision of services. Specifically, Plaintiff risked the safety of her patient by performing an unapproved dental service off-campus in her home, and she performed the service against the direct orders of the dentist who instructed her not to perform the service. Thus, the claim that other students took impressions outside of the clinical setting and were not dismissed from the program were unavailing due to the severity of her conduct (Worcester v. Stark State, 2020). The court dismissed Plaintiff's substantive due process claim because she failed to allege that she had any liberty or property right to remain in the program or that SSC's actions shocked the conscience. The court declined to exercise supplemental jurisdiction over the breach of contract claim (Worcester v. Stark State, 2020).

Oleskak v. Gateway Technical College (2019)

Decision and Order granting Defendant's Motion to Dismiss. Plaintiff is a former student at Gateway Technical College (GTC) who was suspended after being found responsible for academic misconduct. Plaintiff alleged that GTC's email to his student email address notifying him of his disciplinary hearing was inadequate notice and violated his due process rights (Oleskak v. Gateway Tech, 2019). The court dismissed plaintiff's claim because he did not identify a specific property interest that GTC deprived him of. A student at a state university must point to a specific legally protected entitlement to continued education since "there is no stand-alone property interest in continued education at a state university." The court then declined to exercise jurisdiction over plaintiff's state law due process claim (Oleskak v. Stark State, 2019).

The examples of cases on academic and student misconduct in higher education show several biases and inequities in the perception of rigor. The courts tend to favor the side of the university when it involves academic misconduct, even when due processes is minimal or lacking completely within the procedures.

Community College

According to the American Association of Community Colleges (AACC), the early 20th century brought the need for more specialized and skilled workers in an effort to better the economic challenges the country was facing, resulting in a need for more people to attend college, as only a quarter of high school graduates were choosing to pursue higher education because universities were typically outside of their communities and leaving home was not a reasonable option (2021).

Concurrently, as describe by AACC, high schools were trying to increase the services they were able to provide to the communities that housed them, adding programs in the vocational studies, teaching, and other trade skills to enhance the community workforce, eventually morphing into high school-based community colleges (2021). Small, public universities had created a model centered on relationships, small classes, and intentional programming designed to best prepare graduates for their next steps. What is seen today in the modern community college setting was born from the marriage of these two models (AACC, 2021). As the decades passed and community colleges grew, doors began to open and greater access to education was now available for more people throughout the country.

The community colleges of today is as diverse as the education offered within their walls. From multi-campus urban institutions to single-campus rural centers, community colleges continue to strive to meet the needs of the communities they serve. On many community college campuses today, robust student activities, state-of-the-art resources, high-quality academics are standard, yet often times, the governing policies and practices of community colleges are antiquated and fail to reflect societal changes when compared to those of public universities (Morris, 2017). The challenges, however, often seep into the framework of the daily operations of community colleges, making the importance of sound policies even more critical in the success of students served at these institutions (Morris, 2017). When an average student is in a smaller class or on a smaller campus, the engagement rate is higher, resulting in a more favorable experience for the student (Finn and Panno, 2003). Finn and Panno's research also states that students who are able to make a connection with faculty or administrators are more likely to feel noticed and will take less risks (2003). Residence Halls and athletics are additional ways a student can feel more connected to campus and have a greater level of engagement, however,

these entities often times provide opportunity for student misconduct of a social or interpersonal level (Finn and PannoZZo, 2003).

Chapter Summary

For more than 300 years, college and university administrators have practiced some form of disciplinary measures when dealing with student misconduct on their campuses (Lane, 1983). These practices have seen significant ebbs and flows in the placement of importance and contribution to the institutions' missions (Tilak, 2010). From terminology changes to procedural advancements that mirror the court system to peer review as the decision-making mechanism, student misconduct has experienced swings in philosophy that have added to the creation of processes and policies that are strong and grounded in practical application (Mitchell, et al, 2011). Such processes have been tested and challenged in the court of law, studied by both theorists and practitioners, and taught to hundreds of thousands of college students.

Student conduct and academic misconduct are woven into the roots of higher education administration. These processes vary and, at some points, compete with one another on process and/or enforcement. Campus administrators, students, external stakeholders, and other key actors in the higher education arena tend to confuse the processes when they are quite different. Student conduct is built around a set of structured and guided rules that are the equivalent to state laws. Academic misconduct can be compared to a city ordinance that has the strength of supporting state laws behind it, should situations escalate. The literature reviewed showed that there is a higher expectation for a greater level of due process in the student conduct, yet the courts are still expecting more. In academic related cases, the courts are often siding with the university, creating inequities in the enforcement of these processes, procedures, practices, and policies. While the information reviewed focused on universities processes and policies, no

relevant information was acquired on these processes in the community college setting. Taking the information of how the processes work in the university setting will create a constant when conducting research specific to community college policies and the equity of due process.

While most behavior related misconduct is managed under the student code of conduct, housed in the Division of Student Affairs, certain issues are left up to the overseeing administration within other divisions, such as Academic Affairs, to create appropriate policies and adjudication processes for the enforcement, when needed (Lane, 1983). Most notably, for comparison purposes, are policies related to academic misconduct. In many ways and on most university campuses, academic misconduct violation processes have a standardized method by which each violation type is handled (Mitchell, et al, 2011). For example, if a faculty member believes a student cheated on a test in a Chemistry class, the same process would be used for a student suspected of cheating on an English exam. These schools also have centralized repositories for information related to each violation for the purposes of recognizing patterns and for when multiple violations are made by the same student. When that occurs, those cases are then turned over to the student conduct process, in student affairs, because the pattern indicates a larger behavioral issue (Lane, 1983). Some universities and many community colleges handle student conduct issues in a similar manner, but they handle academic misconduct matters differently. These institutions have a standardized policy for student conduct, but they allow each academic division to manage, record, and store information in their own way for academic misconduct cases (Lane, 1983). With no centralized repository or, at minimum, a centralized database of cases, seeing patterns and multiple incidents from the same student becomes difficult, especially in the community college setting where students are taking classes across divisions instead of a focused major.

Literature on the topic of how due process for responding students vary between academic misconduct and student conduct policies and procedures is sparse. Based on the research available as it relates to universities, the process and policies governing misconduct lack consistency between student and academic misconduct, specifically in terms of due process. The next phase will be using the standards found within the literature reviewed to research policy management and enforcement in the community college setting.

CHAPTER 3

As shown in Chapter 2, specific research and information related to equity, fairness, and the due process rights afforded to students within the procedures and policies of academic and student misconduct at community colleges is sparse. Case law related to conduct matters in both academic misconduct and student conduct matters were explored to give perspective on the overall expectations and perceptions of the two processes. From this exploration, inequities within the process standards, record keeping, data collection, and sanctioning emerged, leading to foundation of this study into the explicit exploration of this topic on community college campuses.

Methods

In this chapter, I discuss the research methods used to investigate the primary research questions identified in Chapter 1. This study was conducted from a post-positivist epistemology. Utilizing a triangulation design, I used a mixed methods survey to collect both quantitative and qualitative information to answer the research questions referenced above. Surveying a sample of student conduct administrators at community colleges, this study focused on due process in the policies and procedures of student misconduct cases and academic misconduct cases. As mentioned throughout, there is little to no research specific to due process in these policies and procedures at community colleges within higher education literature. This study was developed with that in mind and was used to explore the perceptions and realities of this topic, as well as to create a pathway for future research in this area. Based on the review of the literature, four main propositions surfaced, providing indicators to the variables needed for closer examination in the research process. The propositions were:

1. Inequities in due process rights afforded to students are present when comparing academic misconduct and student code of conduct violations policies.

2. Methods for processing academic misconduct complaints vary and are inconsistent between academic disciplines.
3. Student conduct code violation complaint processes show consistency, but often lack flexibility for the individualization of cases.
4. Little to no research and information specific to community colleges was available on the topic of due process and misconduct.

Research Design

Creating a framework to analyze policy strength, management, and implementation as described and outlined in Rachel Meltzer and Alex Schwartz's (2019) *Policy Analysis as Problem Solving*, allowed this mixed-method research plan to meet policy standards of the field of public administration. This mixed-methods study used thematic analysis, as well as closed- and open-ended survey questions.

This study used a triangulation design, in an effort to examine complementary information from both qualitative and quantitative data on the topic of due process in the policies and procedures of student misconduct cases and academic misconduct cases (Greene et al, 1989). The utilization of this design choice allowed for the exploration of trends and generalizations in the quantitative responses, as well as the in-depth examples provided by the participants in the open-ended survey questions. Because of the different forms of data, I was able to directly compare and contrast the statistical perceptions of due process with the examples provided by participants, providing greater insight to the practices on the responding campuses (Caracelli, et al, 1993).

Procedures

The research methodology and plan I used for this study was an online survey, which follows Meltzer and Schwarz's (2019) guidelines for qualitative surveys, provided as an embedded link via email to the community college conduct administrators. Once informed consent was completed, the participants began the survey (Appendix A). Upon completion of the survey, the participant clicked the "submit" option and their participation in this study ended. The survey was expected to take approximately 30 minutes to complete.

Participants

Through the utilization of the Integrated Postsecondary Education Data System (IPEDS) data base, I compiled a list of community colleges within the United States. Search criteria used the terms "public", "2-year", and "associate degree". Once the list was compiled, I conducted a search of each website for open-source information (Student Code of Conduct and Academic Misconduct policies), as well as the name and contact information of the administrator responsible for student code of conduct enforcement. Individuals were eligible to participate in this study if they identified as an administrator responsible for the adjudication on student code of conduct violation complaints for community colleges in the United States and 18 or older. Individuals who are not 18 and older were not eligible to participate. Information collected included name, title, community college, and email address. Once the compiled list of potential participant information was complete, I emailed each administrator to request participation in this research (Appendix B).

The data analysis for this study examined only the 34 responses that matched criteria for this study and were completed in their entirety by the surveyed participants. For this study, I sent 524 surveys via email. I received 13 non-working email responses, and 9 people contacted me stating

that they were not the right contact for conduct or other reasons for being unable to complete the survey. This left 502 active surveys. At the survey's close, I received 64 responses that appeared to be complete and 7 incomplete surveys with only the consent to participate question answered. Looking only at the completed surveys, my response rate is 12.75%. Upon closer examination of the responses, I found additional incomplete responses, 17 that failed to answer at least 75% of the questions and 13 that did not answer any open-ended questions, leaving 34 completed surveys for analysis.

The following tables show the personal demographic information of the participants as self-identified by the participant, and campus demographic information.

Table 1: Participant Demographics

Participant Demographics	Frequency	%
Age	N=34	100%
Under 25	0	0
26 - 29	1	3
30 - 39	8	24
40 - 49	12	35
50 - 59	10	29
60+	3	9
Gender Identity	N=34	100%
Female	17	50
Male	13	38
Genderqueer	0	0
Agender	0	0
Transgender	1	3
Cisgender	1	3
Prefer not to respond	2	6
Race	N=34	100%
American Indian or Alaska Native	1	3
Asian	0	0
Black or African American	5	15
Hispanic, Latino, or Spanish Origin	1	3
Middle Eastern or North African	0	0
Native Hawaiian or Other Pacific Islander	0	0
White	25	73
Another race or ethnicity not listed above	0	0
Prefer not to respond	2	6

Table 2: Participant Professional Experience

Participant Professional Experience	Frequency	%
Highest Degree	N=34	100%
Bachelor's Degree, Completed	3	9
Master's Degree, Completed	14	44
Master's Degree, In Progress	0	0
Doctorate Degree, Completed	8	23
Doctorate Degree, In-Progress	9	24
Years Working in Higher Education	N=34	100%
0 - 4	4	12
5 - 9	4	12
10 - 14	6	17
15+	20	59
Years Working in Community Colleges	N=34	100%
0 - 4	4	12
5 - 9	12	34
10 - 14	9	27
15+	9	27
Years Working in Conduct	N=34	100%
0 - 4	11	32
5 - 9	5	15
10 - 14	7	21
15+	11	32

Table 3: Campus Information

Campus Information	Frequency	%
Institution Enrollment	N=34	100%
500 - 1,999	2	6
2,000 - 4,999	7	21
5,000 - 9,999	11	31
10,000 - 15,000	8	23
More than 15,000	6	18
Residential Facilities	N=34	100%
No	18	53
Yes	16	47
Athletics	N=34	100%
No	12	35
Yes	22	65

Instrument

With little research previously completed on this topic, no previously used instruments could be used. Therefore, I developed a unique, non-published survey (Appendix A) to meet the needs of my research questions. In the development of this survey, I sought input from colleagues with community college adjudication experience, who no longer work in the field or have transitioned to other institution types and would otherwise not be participating in the research. The combined knowledge of these individuals allowed me to ensure the questions I asked in the survey, would produce the information needed to fully answer each of the research questions. On day seven of the survey being open, I reviewed the submitted responses to ensure the information I was receiving was answering the questions in an expected manner. Each week, I would then verify submissions were coming in and there were no issues with the software or other misinterpretations of the survey questions.

This 46-question survey, created and distributed through Qualtrics, combined open-ended questions with multiple choice questions. Questions were divided into sections about the participant, the institution, academic misconduct, student misconduct, record keeping, and due process. The survey was open for 30 days, with a participation reminder emailed to the entire participant list on day 15.

Institutional Review Board (IRB) Considerations

The IRB protocol and approval for this study can be found in Appendix C. The survey left room for the potential for participants to disclose information related to their personal experiences serving in the role of a misconduct adjudicator. Since the data was de-identified in the responses, I have no way of following-up with any participants based on their individual responses. All participants received a link to the study via email. Participants were informed of

all considerations in the informed consent document as included in Appendix C. There was no risk of harm to the participants outside of that experienced in everyday life.

Data Storage

Survey data will be stored in three places. The first location is in a password protected Qualtrics account. The Qualtrics software was also used to create the instrument and upon completion of the survey, this was the location where the raw data was stored. The data was then downloaded to my password protected personal computer for the purposes of de-identification and transfer to the analysis software. Analysis occurred using MAXQDA software, which is the third location of the data. For each location, I am the only person who has the passwords. The data will be stored for three years before destruction; three years will leave enough time for dissertation analysis as well as the potential for additional analysis and journal article publication.

Data Analysis

To begin the data analysis process, I first exported the data from Qualtrics and removed any identifying information included by the participants. For instance, if a participant included the name of their institution in a response, I removed the name and replaced it with [community college]. Next, I imported the de-identified data to MaxQDA, which was used to code and analyze the data collected in this research. Finally, I completed a thematic analysis of the qualitative responses and ran descriptive statistics and basic correlations on the quantitative data to gain meaningful and useful insight into this topic (Attride-Stirling, 2001).

After the quantitative data was processed, the next phase of analysis examined the qualitative data through the lens of Principle-Agent Theory. Principal-Agent Theory provided a theoretical framework for the manner in which these processes could be evaluated. Principal-

Agent Theory is a relational theory between two parties in which the principal employs the agent in a contractual manner to complete an assigned task that can otherwise not be completed by the principal alone, allowing a partnership, often one of a give-and-take nature based on the expertise of the agent and the needs of the principal, to form between the principal and the agent (Sappington, 1991). Principal-Agent Theory is best used when both the principal and agent have a mutually beneficial relationship, filling their own individual needs, but doing so with the project's purpose at the center of their motivation. Sappington (1991) adds that to strengthen the relationship and agreement between the two entities, the principal must ensure that the agreement allows him a mechanism to adequately evaluate and supervise the work of the agent. A relationship built on communication and collaboration will increase the level of trust between the two, adding strength to their relationship (Caswell, 1998). For the purposes of this study, the principal and the agent may differ based on the participant's campus structure.

The codes used for analysis came from key ingredients of Principle-Agent Theory, due process guidelines, and industry-specific practices related to the adjudication of student conduct and academic misconduct cases. The initial code list was comprised of 32 codes. To ensure the most effective codes were used in the analysis process, I randomly selected three responses, coded each response, and then reevaluated the coding system. I repeated this process two additional times and then consulted with an external methods person to ensure the final coding system would provide optimal comprehensive data analysis. The final code book used (Appendix E) consisted of 18 codes.

Finally, a thematic evaluation of the data was completed and applied to answer the earlier stated research questions. During the coding process, I paid close attention to which codes were being used and which codes were not. As recommended by Starks and Trinidad (2007), I

periodically pulled reports of the correlation between codes and the frequency of those correlations. As codes were weeded out for lack of use and relationships between the remaining codes became apparent, three themes emerged. These themes were:

Theme 1: When housed under the same umbrella, due process, equity, collaboration, and cooperation are more visible in the academic and student misconduct processes.

Theme 2: Academic misconduct processes provide a lower level of due process than student conduct processes, when managed solely in Academic Affairs.

Theme 3: While thought of as a top priority by both practitioner and institution, due process rights are not equally distributed or included in all campus misconduct policies.

However, after further evaluation of the three themes, I decided to combine Theme 1 and Theme 2 because of the direct, cause and effect relationship between the two themes. Specifically, if Theme 1 occurs, Theme 2 will not exist and if Theme 2 is present, Theme 1 cannot occur. After joining these themes, the final two themes are listed below.

Theme 1: When housed under the same umbrella, due process, equity, collaboration, and cooperation are more frequent in the academic and student misconduct processes. Consequently, adherence to due process procedures is less frequent in academic misconduct processes when housed separately from student conduct processes.

Theme 2: While thought of as a top priority by both practitioner and institution, due process rights are not equally distributed or included in all campus misconduct policies.

The individual codes were then categorized based within the appropriate theme (Crabtree & Miller, 1999). Theme 1 and its categories, decision-making (stakeholders), decision-making (processes), and equity, answer Research Question 1. Theme 2 and its corresponding categories,

policies/procedures and assessment, are used to answer Research Question 2. The detailed information related to the specific codes assigned to each theme and category can be found in Appendix F. The definitions for each code can be found in Appendix E.

Moving into the analysis of this raw data is examined, leading to two main themes. The first theme explored is the assumption that when academic misconduct and student conduct processes work together, due process is more likely to occur. The second theme, in tandem with theme one, is centered around the misperceptions of student conduct officers beliefs of the level of due process and the actual workings based on policies, procedures, and practices on their campuses.

CHAPTER 4

After the exploration of literature and case law on the topic of due process, equity, and fairness within higher education institutions' policies and procedures for academic misconduct and student misconduct, themes relating to the inequities of standards within the processes, record keeping, data collection, and sanctioning emerged, allowing for the foundation to form for this study, specifically examining these processes within the community college setting. The mixed methods survey was taken by student conduct officers around the United States, and asked the participants to provide a narrative and for their responses to questions on the topics of due process, fairness, perception of equity, and quality of policies and procedures on their campuses. In addition, demographic data was collected on both the participant and the institutions they serve. The raw data was then coded using Principal-Agent Theory and the primary standards of due process.

As outlined in the participants section in the previous chapter, persons who work with the adjudication of Student Conduct cases were surveyed to gain an understanding of practices, procedures, and due process within the policies and procedures related to student conduct and academic misconduct cases on community college campuses in the United States. This survey resulted in quantitative and qualitative data that was then synthesized, as outlined below.

Results

As a start to the discussion over the analysis of information collected, I feel it is important to understand who completed the survey, what type of campus they work on, case load, and their initial opinion of due process within the policies and procedures at their institutions. The participation provided insight into the individuals in the niche field of student conduct administration. As seen in Table 1, 86%, span three age ranges, 30-39, 40-49, and 50-59. Half of the participants identify as female and 73% of participants listed their race as white. A

wide variety of campuses are represented in the data collected, as seen in Table 3. Size, residential status, and presence of athletic programs can be attributing factors to both academic misconduct and student conduct caseloads.

From the data collected, 47% of the participants are either working on or have completed a doctorate degree, as seen in Table 3. In addition to their advanced degrees, 59% have 15 years or more work experience in the field of higher education administration. The length of time working in student conduct and in the community college setting is more evenly distributed among the options. This is valuable because it implies that the participants have a variety of knowledge and experience that is not limited to only student conduct at community colleges.

Understanding caseload and whether or not demographic information is collected on the respondent is an important piece of assessing due process. This information, as presented in Table 4: Case Related Information, provides the responses to questions on caseload, the collection of demographic information, and frequency of that data collection. Reports of academic misconduct appear to be reported at a lower occurrence than that of student conduct cases. The collection of demographic information is typically done as a measure within due process compliance as a checks and balance method to ensure outcomes, or sanctions, are not being unfairly distributed based on a demographic category. Demographic information is collected by 41% of the participants 100% of the time in student conduct cases (Table 4). Only 24% of participants collected additional demographic information in academic misconduct cases (Table 4). Demographic information is never collected in academic misconduct cases by 35% of the participants and 26% of the participants within the student conduct processes (Table 4).

Table 4: Case Related Information

Case Related Information	Frequency	%
Collection of Demographics in Academic Misconduct Cases	N=34	100%
Never	12	35
Around 50% of the time	1	3
Occasionally, but it is not consistent	9	26
Most, but not all, of the time	4	12
100% of the time	8	24
Collection of Demographics in Student Conduct	N=34	100%
Never	9	26
Around 50% of the time	1	3
Occasionally, but it is not consistent	5	15
Most, but not all, of the time	5	15
100% of the time	14	41
Annual Academic Misconduct Cases	N=34	100%
0 – 49	15	43
50 – 99	4	12
100 – 149	6	18
150 – 199	1	3
250 – 299	1	3
Unknown	7	21
Annual Student Conduct Cases	N=34	100%
0 – 49	12	35
50 – 99	5	15
100 – 149	3	9
150 – 199	3	9
200 – 249	5	15
250 – 299	3	9
450 – 499	1	3
Unknown	4	12

Participants provided insight into the level of importance they place on due process and equity, as well as the level of importance placed by their respective campus. Table 5 presents the priority of due process within the procedures of Academic Misconduct and Student Conduct, as referenced by the participants. I asked the participants to address their personal views as well as their views on how the institution as a whole prioritizes due process. Finally, I asked the question of which policy has the higher standard of due process on their campuses. The participants see themselves and the student conduct process as prioritizing due process at a higher or the highest level.

Table 5: Due Process Information

Due Process	Frequency	%
Priority of Due Process in Academic Misconduct (Personal)	N=34	100%
#1 Priority	21	62
Important, but not #1	10	29
Neutral	2	6
Unimportant, but still present	0	0
Not a priority or present at all	1	3
Priority of Due Process in Student Misconduct (Personal)	N=34	100%
#1 Priority	24	71
Important, but not #1	9	26
Neutral	1	3
Unimportant, but still present	0	0
Not a priority or present at all	0	0
Priority of Due Process in Academic Misconduct (Institution)	N=34	100%
#1 Priority	16	47
Important, but not #1	9	26
Neutral	4	12
Unimportant, but still present	3	9
Not a priority or present at all	2	6
Priority of Due Process in Student Misconduct (Institution)	N=34	100%
#1 Priority	22	65
Important, but not #1	9	26
Neutral	1	3
Unimportant, but still present	2	6
Not a priority or present at all	0	0
Process with Highest Due Process Standards	N=34	100%
Without Question, Academic Misconduct	2	6
For the Most Part, Academic Misconduct	1	3
Equal	14	41
For the Most Part, Student Conduct	7	21
Without Question, Student Conduct	10	29

Qualitative Data

In this section of analysis, I looked at the codes, found common threads that aligned information with direct quotes from the participants to draw conclusions on the themes and categories referenced earlier in this work.

When examining the due process elements as applied to the students conduct process, a key element is the assurance of an objective hearing process by an individual or panel with no or limited prior knowledge of the accused misconduct. This is in addition to proper notification, timely processes, and the opportunity to address the complainant, among others. This eliminates the opportunity for the victim to be the judge, jury, and executioner. While titles, responsibilities, offices, and the nuances of the codes of conduct may differ, the basic understanding and protocol is consistent with an independent party investigating and making a determination into the responsibility of a student in the alleged misconduct. There are very clear policies, processes, and procedures outlined in the student handbook for each campus. Participant 5 summed up the importance of due process within the student conduct environment as being engrained in everything conduct officers do, or should do, during the hearing process.

“Due process is engrained in our student conduct code and processes and student's having rights is extremely important. We do our best to navigate the code in a way that is easy to understand for students so they are able to fully get the rights they deserve” (Participant 5, 11/3/2020).

Several respondents noted inequities between the processes with a leaning towards academic misconduct processes lacking in due process.

“Our Academic Misconduct policy is being revised. Current policy does not provide due process” (Participant 14, 11/4/2020).

“Too many faculty and administrators believe they have the final say about the results of an academic misconduct violation, without considering that students are allowed due process and an appeal process. This is more of a campus culture issue, rather than an intentional disregard for guaranteed basic rights” (Participant 15, 11/5/2020).

“Academic misconduct is based on an instructor report, which could have a bias or lack of communication. The Student Conduct process allows more student response and interaction” (Participant 11, 11/4/2020).

“Faculty expectations are usually not in sync with the institution” (Participant 10, 11/4/2020).

“Unfortunately I think our institution favors faculty having autonomy in their classroom more than they do making sure students have due process. If they valued due process the most, they would require faculty to report all misconduct, rather than allowing them to handle it themselves when their positional power often removes the opportunity for due process for many students” (Participant 4, 11/3/2020).

“I worry that faculty are not reporting matters and their syllabus and course policies don't give students appropriate due process in academic misconduct matters so students are just having to defer to whatever their instructor is doing” (Participant 3, 11/3/2020).

Participant 7, however, agrees that due process is always afforded to the student in conduct cases, but often times, policies are written to favor the administrator and not the student, in an effort to process through as many cases as quickly as possible. This participant goes on to state their opinion differs from their institution because for them, education is the most important factor and to fully learn from the experience, the responding students must learn from the process.

“Education is the most important result. Students need to experience the situation and learn from the process” (Participant 7, 11/3/2020).

“We offer due process however it feels like our process is catered to the administration and not the student. It feels like we have a process to make sure that we can hear as many cases as possible and quickly as possible” (Participant 7, 11/4/2020).

There are also cases where bureaucracy, power, and authority interfere in the student conduct process, limiting or eliminating due process rights for students. Participant 29 explains that with any conduct situation alleged on their campus, the student, faculty, or staff member would need to file a police report in addition to the violation complaint. When Participant 29 took this information to the authority levels above theirs, it was consistently ignored and decided the practice would continue. Participant 29 continues stating that the influence this practice had on the due process rights of students was detrimental and breached confidentiality because police reports can be requested through a Freedom of Information Act request, which was done on a weekly basis by the campus newspaper, hindering the respondent’s chances of fair and unbiased hearing procedures.

“We have experienced difficulty drawing lines between Campus PD and Conduct.

Previous administration challenged my opinion of due process in favor of the Campus PD process. My concern was that everyone was required to fill out Police reports which are very easy to obtain through the daily crime logs, influencing due process and ultimately reduced reporting in my opinion” (Participant 29, 11/18/2020).

Academic misconduct is not handled in a consistent manner across institutions like student conduct processes are handled. Academic misconduct is handled in a variety of ways. According to the responses collected in this study, academic misconduct cases are heard by the reporting faculty member, the dean of the academic division or other party within the Division of Academic Affairs, or under the student code of conduct following the same procedures as the

student misconduct process. These variations in process have differing levels of due process for the responding student. For example, Participant 28 noted that on their campus, there is no policy to follow for academic misconduct and every faculty member can handle misconduct however they choose.

“Academic misconduct is administered by academic affairs and student conduct through student services. There is a completely different mindsight and expertise between the two areas. No due process in academic dishonesty. Lack of consistency of academic misconduct since each faculty member and then department are adjudicating based on a very limited process and procedures. There is no requirement to record academic misconduct violations” (Participant 28, 11/18/2020).

Often times, a faculty member may decide that academic misconduct occurred and award a failing grade for the assignment and never having to report, justify, or explain this decision to anyone, as described by Participant 21. This faculty member is also not required to meet with or explain their rationale to the student. This creates a sometimes unfair, inequitable processes that is siloed and left in the hands of a single individual to accuse, investigate, and discipline a behavior with no oversight or consistency, as described by Participant 27.

“Since I have been in the position, I've been granted one meeting with the new VP of Academic Affairs to discuss a better collaboration. It is clear this is not a priority of the institution” (Participant 27, 11/18/2020)

“Faculty members have broad discretion in academic misconduct cases in course management. The instructor may give an F grade on an assignment or for the course. All cases reported to Student Conduct Administration are adjudicated under the Student Code of Conduct procedures” (Participant 21, 11/18/2020).

When handled in the same manner as the student code of conduct, participants expressed positive collaboration, equity, and fairer processes for students accused of both academic and student misconduct violations. Participant 21 explained that a learning curve exists in trying to navigate due process, but through a continued effort to work with faculty and deans, a mutual understanding of the importance of the rights of the student has developed.

“There is still a learning curve with understanding due process regulations with instructors. I continually work with the Deans to ensure faculty know that students must have due process. Instructors may observe students cheating, but instead of contacting the student, they give the student a zero. The student may not learn of the failing grade until they receive their grades for the semester” (Participant 21, 11/18/2020).

With an increase in academic misconduct cases of the past year’s shift to more robust online learning and less in-person interactions, stronger collaboration is needed between the two misconduct processes.

“Our academic dishonesty cases spiked last year... even before COVID but the pandemic certainly didn't help. We are also up last year, primarily because of STEM's use of Honor lock. I marked I average caseload as under 100 but if this year continues, the average will now go above that, so we need to work closer with both sides of the processes” (Participant 21, 11/18/2020)

When academic misconduct and student conduct are handled under the same process and policies, participants noted that the higher levels of due process and accountability were afforded to those navigating these processes.

“We changed our entire procedures to reposition student rights as central to the process. We changed timelines, opportunities for review, invitations for students to bring advisors,

wove in educational and restorative practices throughout the procedures, removed hard line practices that negated student success and look at cases holistically to include culture, circumstances, bias, etc.” (Participant 4, 11/3/2020).

“If my institution collects demographic information on the respondents of academic misconduct cases, I am unaware. It is my opinion that collecting demographic information may be useful to detect implicit bias at the institution” (Participant 15, 11/5/2020)

“There isn't a lot of frustration as I do both” (Participant 18, 11/5/2020).

“Our academic misconduct policy is part of our Student Code of Conduct. There is a detailed plagiarism statement provided as part of this to provide guidance to students regarding specific academic misconduct related to plagiarism. This works well because it allows some separation between the student and the faculty” (Participant 30, 11/30/2020).

“I think that the Student Review and Appeals Committee being the same group of representatives, except the chair, provides for consistency across the institution for academic misconduct and student conduct cases. They understand due process and maintain integrity of the process regardless of the situation” (Participant 13, 11/4/2020).

Major Finding (Theme 1)

Tilak (2010) found that student conduct work is grounded in creating fair, equitable processes that are consist and individualized to each case, which allows for community guidelines that promote safe and secure campuses. With this as a standard, the analysis of the data collected, quantitative and qualitative, showed that when housed under the same umbrella, due process, equity, collaboration, and cooperation are more visible in the academic and student misconduct processes. Consequently, academic misconduct processes provide a lower level of

due process than student conduct processes, when managed solely in Academic Affairs. This was then confirmed when the relationship of code frequency (Appendix G) was assessed and is supported by the work of Mitchell, et al (2011), which found that when process and procedure are not in place and no guidelines are established for deciding if a suspected violation is substantiated, faculty can choose their own processes, leading to inconsistency and the perception of bias.

Major Finding (Theme 2)

Ferlie, et al (2008) found that some campuses provide parameters for the faculty to work within, and some campuses leave it completely up to the discretion of the instructor what outcomes or sanctions to impose. For those campuses that do not provide parameters, an appearance of equity may exist, but the reality is there is no way to ensure due process is actually present. Due process is a leading concern for academic misconduct adjudication. The processes explored by Macfarlanea, et al (2014) examined the decision-making power to the faculty member of the course in which the misconduct occurred and for first offences, did not require anything more than minimal notification to the student, if any notification to the student occurred at all. This falls in line with the written responses to the open-ended questions and the scaled questions related to the priority of due process on the participant's campus, there was a key discrepancy that emerged. While thought of as a top priority by both practitioner and institution, due process rights are not equally distributed or included in all campus misconduct policies. This shows that the practice or intent is not aligning with the policy.

CHAPTER 5

Discussion

The limited research on the topic of due process and misconduct procedures on community college campuses brought rise to need for this study. The practitioners administering misconduct policies are a leading voice in the creation of these guiding policies, but without specific research, community college practitioners are often needing to adapt standards and practices that are not an exact fit, further complicating already complex processes. In addition, case law on becomes a go-to source for how to best adjudicate situations and cases because it gives a glimpse into what the legal ramifications could be for the situation. The limited guidance, legal do's and don'ts, and the prevalence of inequities between academic misconduct and student misconduct processes led me to the exploration of community college student conduct administrators' perceptions on the fairness, equity and due process standards in the academic misconduct policies compared to their campuses policies for student misconduct through a mixed methods study, guided by two research questions:

1. How does the due process of responding students vary between academic misconduct and student misconduct policies and procedures on community college campuses?
2. How do the various methods used to process cases vary between academic misconduct and student conduct policies and procedures on community college campuses?

Upon review of the literature and case law information available on the adjacent topic on due process, equity, and fairness at universities, it was ascertained that an inconsistent standard and expectation exists between the need and application of due process in academic misconduct procedures and procedures associated with student conduct. Strict, prescribed policies that walk through step-by-step how the process will work, what rights each party has within the process,

and timelines to reach resolution are standard expectations of student misconduct adjudication. When processed under separate policies, academic misconduct cases, on the other hand, are often times left up to the discretion of the charging faculty member, allowing the same type of violation to be processed differently. These inconsistencies, are in stark contrast to the campuses that house both academic and student misconduct adjudication under the same policies and procedures. After the review of the literature and case law, my mixed methods study began to take shape.

The mixed methods approach provided an opportunity to survey student conduct officers at community colleges and allowed them to provide narrative responses to justify their beliefs. Hearing their stories and real-life examples gave insight to how these processes actually work and benefit the parties involved. Coupled with demographic information on the campuses and participants, as well as case load information, the raw data started to paint a picture. This data was then coded using concepts specific to Principal-Agent Theory and the standards of due process. Principal-Agent Theory was selected as the constant because of the relational and contractual elements, mixed with the bureaucratic processes that can be found in both the field of higher education administration and the field of public administration.

The analysis of the raw data through the lens of Principle-Agent Theory brought to light two main themes, both supported by the prior research, literature on this topic, and associated case law. The first theme shows that collaborative methods to manage misconduct between the academic and student affairs processes will allow for higher levels of due process for students navigating the academic misconduct processes. The second theme shows that the practitioner's perception of the level of due process afforded to students under these policies is higher than the reality of the practice.

Recommendations for Practice

The main recommendation for practice from this study is to look outside of traditional higher education practices and theories to make the current policies and procedures higher education professions use every day better. By utilizing the Principal-Agent Theory, I was able to assess information I have worked with for over 15 years with a new lens. Taking a theory, such as Principal-Agent Theory and breaking down the relationships within the walls of our campuses to mirror more of those of municipalities or government entities, creates a space for better collaboration, stronger communications, and healthier educational outcomes for our students. It provides a structure that is grounded in commonalities and limits bias from interfering with the process. This approach calls for clean, clear, and concise policies that are mutually agreed upon by the key stakeholders of that policy and open the lines of communication to offer the best results for all parties involved.

As for the specific practices of student conduct and academic misconduct, it was made very clear by the participants that there is a lack of trust in the academic misconduct process to ensure the due process rights of students when the processes for adjudication do not align with the processes of adjudication for student conduct. To remedy that, I am recommending, based on the information provided by respondents that a greater level of collaboration occur between student conduct and academic misconduct processes, clean, clear, and concise policies are written and easily accessible for both processes with a high priority placed on the assurance of due process rights for the respondent.

Limitations

Limitations within this study started with the participant application pool. Because many community colleges house student conduct under in the office of a practitioner who has other responsibilities in addition to student conduct, identifying the specific person for each campus

was difficult. To ensure the survey was going to the appropriate person, only a limited number, 524 of surveys were able to be sent. From there, the low response rate of only 34 completed surveys was the next limitation.

Once I collected the demographic information on the participants, it became clear that there was a lack of diversity in all major categories, except age. As found in Table 1, 50% of the participants identified as female, 73% of the participants identified as white, 47% of the participants are working on or completed a doctorate degree, and 59% of participants have worked in higher education for more than 15 years. The limited diversity in respondents can cause a skewed perception of bias, privilege, and personal experiences.

Next, only surveying student conduct officers was a difficult decision, but one that I felt confident in at the start of the surveying process. Upon reviewing the data collected, I now believe this caused a limitation and showed bias towards the academic misconduct process in some cases, specifically those with limited collaboration. The final limitation was in the lack of clarity of some responses without the ability to follow up with an interview or seek clarification on the participants true meaning of their narrative.

Recommendations for Future Research or Study

There are several areas of research that I recommend expanding into to further the discussion of due process in community college academic misconduct and student conduct policies. Each area addresses the limitations listed above, but will also expand the knowledge of and practice of equity and inclusion on community college campuses.

1. Repeat this study with a participant list who work specifically with the academic misconduct process, as well as faculty members who have disciplined students for academic misconduct.

2. Based on the numbers of participants who do not collect demographic information but claim to have a high priority level for due process, further research is needed into the trends of equity in outcomes.
3. Also based on the number of participants who identified as white, a study replication specific to non-white practitioners would be helpful ascertain bias in the original study.

Conclusion

There is a significant amount of work that can be done on community college campuses to ensure a more cohesive relationship between the practices, policies, and procedures relating to academic misconduct and student conduct. Recognizing representation, focusing on educational outcomes, paying attention to equity and access, and communicating to find mutual ground will strengthen the practices of conduct adjudication across the two key disciplines. This will take a culture shift and an ability for both sides to listen and understand each other's perspective. Conduct adjudication has been tried and tested in the court of law, in research, and throughout multiple professional organizations throughout the United States. Models, good practices that are adaptable to each campus to make them best practices for that campus, and experts in the field of higher education work every day to find the right balance to serve students and support the campus administration. This takes collaboration, understanding the various relationships that exist within our walls, and removing our own egos from the process. By looking to the systems outside of traditional higher education theory for guidance, sound and tested theories exist. Using these theories and methods can provide the framework needed to create fair, equitable processes for our students, strengthening these policies across the board, providing consistency to those we serve, and making sure community colleges are finding their own good practices that properly educate and serve students, both in- and outside of the classroom.

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Appendix A – Survey Instrument

Due Process in Academic and Student Misconduct at Community Colleges

Survey Flow

Standard: Block 5 (1 Question)

Block: About You (12 Questions)

Standard: About Your Campus (5 Questions)

Standard: Academic Misconduct Policies & Procedures (4 Questions)

Standard: Student Conduct Policies & Procedures (4 Questions)

Standard: Due Process (8 Questions)

Standard: Case Demographics (6 Questions)

Standard: Comparing Policies (5 Questions)

Standard: Concluding Thoughts (1 Question)

Start of Block: Informed Consent

Project Title: Due Process in Academic and Student Misconduct at Community Colleges: Analyzing Current Policies, Exploring Good Practices, and Examining Consistent Standards

Investigator(s): Erin Logan; Mia Ocean (Faculty Sponsor)

Project Overview: Participation in this research project is voluntary and is being done by Erin Logan as part of her Doctoral Dissertation to analyze the application of due process, equity, and fairness in academic misconduct and student conduct cases at community colleges. Your participation will take about 30 minutes to take the survey.

The research project is being done by Erin Logan as part of her Doctoral Dissertation to analyze the application of due process, equity, and fairness in academic misconduct and student conduct cases at community colleges. If you would like to take part, West Chester University requires that you agree click submit at the end of this consent form.

You may ask Erin Logan any questions to help you understand this study. If you don't want to be a part of this study, it won't affect any services from West Chester University. If you choose to be a part of this study, you have the right to change your mind and stop being a part of the study at any time.

1. **What is the purpose of this study?**
 - Understand the application of due process, equity, and fairness in academic misconduct and student conduct cases at community colleges.
2. **If you decide to be a part of this study, you will be asked to do the following:**
 - Take the survey
 - This study will take 30 minutes of your time.
3. **Are there any experimental medical treatments?**
 - No
4. **Is there any risk to me?**
 - None
5. **Is there any benefit to me?**
 - None
6. **How will you protect my privacy?**
 - The session will not be recorded.
 - Your records will be private. Only Erin Logan, Mia Ocean, and the IRB will have access to your name and responses.
 - Your name will not be used in any reports.
 - Records will be stored:
 - Password Protected File/Computer
 - Records will be destroyed three years after study completion
7. **Do I get paid to take part in this study?**
 - No
8. **Who do I contact in case of research related injury?**
 - For any questions with this study, contact:
 - Primary Investigator: Erin Logan at 405-924-1323 or el925226@wcupa.edu
 - Faculty Sponsor: Mia Ocean at 610-436-3594 or mocean@wcupa.edu
9. **What will you do with my Identifiable Information/Biospecimens?**
 - Not applicable.

For any questions about your rights in this research study, contact the ORSP at 610-436-3557.

If you consent to participate in this study and are ready to begin, please click on the "I consent" button below.

I consent to participate and begin the survey.

End of Block: Informed Consent

Start of Block: About You

How old are you?

- 18 - 25
- 26 - 29
- 30 - 39
- 40 - 49
- 50 - 59
- 60+

How would you describe your gender?

- Male
 - Female
 - Genderqueer
 - Agender
 - Transgender
 - Cisgender
 - A gender not listed above:
-

With which racial and ethnic group(s) do you identify? (Select all that apply)

- American Indian or Alaska Native
 - Asian
 - Black or African American
 - Hispanic, Latino, or Spanish Origin
 - Middle Eastern or North African
 - Native Hawaiian or Other Pacific Islander
 - White
 - Another race or ethnicity not listed above:
-

Describe your education. Select all that apply.

- Associate's Degree, In-Progress
- Associate's Degree, Completed
- Bachelor's Degree, In-Progress
- Bachelor's Degree, Completed
- Master's Degree, In-Progress
- Master's Degree, Completed
- Doctorate Degree (Ph.D., Ed.D, D.P.A.), In-Progress
- Doctorate Degree (Ph.D., Ed.D, D.P.A.), Completed
- Law Degree, In-Progress
- Law Degree, Completed
- A degree type not listed above: _____
- No higher education degrees in progress or earned

In what areas of study are your degrees? Please select and describe all that apply.

- Associate's Degree: _____
- Bachelor's Degree: _____
- Master's Degree: _____
- Doctorate Degree: _____
- Other: _____
- No higher education degrees in progress or earned

What is your formal job title? _____

Please select all areas that you are responsible for in your primary role?

- Student Conduct Processes
- Behavior Intervention/CARE Team
- Title IX (Any functional role within the Title IX Team is applicable)
- Academic Misconduct (All levels)
- Academic Misconduct (Only egregious violations or multiple offenses)
- Clery Act/Annual Security Report
- Other areas(s) not listed above: _____

How many years of experience do you have working in higher education administration?

- 0 - 4
- 5 - 9
- 10 - 14
- 15+

How many years of experience do you have working in student conduct administration?

- 0 - 4
- 5 - 9
- 10 - 14
- 15+

How many years of experience do you have working in the community college setting?

- 0 - 4
- 5 - 9
- 10 - 14
- 15+

At what higher education institution types do you have working experience?

- Community College
- Regional or Small Public University
- Flagship or Large Public University
- Private College or University
- Historically Underrepresented College or University
- Other: _____

Describe why you chose or how you ended up in the field of higher education administration.

Describe why you chose or how you ended up in the area of student conduct or academic misconduct administration.

End of Block: About You

Start of Block: About Your Campus

What is your current institution's total enrollment?

- 0 - 499
- 500 - 1,999
- 2,000 - 4,999
- 5,000 - 9,999
- 10,000 - 15,000
- More than 15,000

Does your campus have any National Junior College Athletic Association (NJCAA) athletics teams?

- Yes
- No

Does your campus have any informal/club/intramural sports teams?

- Yes
- No

Does your campus have residential facilities?

- Yes
- No

Please select all student populations eligible to live in campus housing:

- No Residential Facilities
 - Student Athletes
 - International Students
 - Specified Scholarship Program Students (Other than Athletics)
 - General Student Population
 - Other Specific or Specialized Student Population(s):
-

End of Block: About Your Campus

Start of Block: Academic Misconduct Policies & Procedures

What is your campus' average annual academic misconduct case load?

- 0 - 49
- 50 - 99
- 100 - 149
- 150 - 199
- 200 - 249
- 250 - 299
- 300 - 349
- 350 - 399
- 400 - 449
- 450 - 499
- 500+
- Unknown

In your own words, provide a summary of your academic misconduct policies and the academic misconduct procedures in which complaints are adjudicated. Who holds decision making powers throughout the process? Are their prescribed timelines associated with this process? Where are records of complaints and findings kept?

If you believe there to be inconsistencies between the formal policy and the administration of this policy, describe the differences in the space provided. If the policy and procedure are the same and administered accordingly, please indicate by typing "SAME" in the space provided.

Provide a detailed example of your campus' academic misconduct policy in action.

End of Block: Academic Misconduct Policies & Procedures

Start of Block: Student Conduct Policies & Procedures

What is your campus' average annual student conduct case load?

- | | |
|---------------------------------|---------------------------------|
| <input type="radio"/> 0 - 49 | <input type="radio"/> 300 - 349 |
| <input type="radio"/> 50 - 99 | <input type="radio"/> 350 - 399 |
| <input type="radio"/> 100 - 149 | <input type="radio"/> 400 - 449 |
| <input type="radio"/> 150 - 199 | <input type="radio"/> 450 - 499 |
| <input type="radio"/> 200 - 249 | <input type="radio"/> 500+ |
| <input type="radio"/> 250 - 299 | <input type="radio"/> Unknown |

In your own words, provide a summary of your student conduct policies and the student misconduct procedures in which complaints are adjudicated. Who holds decision making powers throughout the process? Are their prescribed timelines associated with this process? Where are records of complaints and findings kept?

If you believe there to be inconsistencies between the formal policy and the administration of this policy, describe the differences in the space provided. If the policy and procedure are the same and administered accordingly, please indicate by typing "SAME" in the space provided.

Provide a detailed example of your campus' student conduct policy in action.

End of Block: Student Conduct Policies & Procedures

Start of Block: Due Process

When considering the views and values of your institution, how important is adherence to due process regulations when academic misconduct violations occur?

- #1 Priority
- Important, but not #1
- Neutral
- Unimportant, but still present
- Not a priority, or present at all

Provide an example illustrating why you selected the answer above.

When considering the views and values of your institution, how important is adherence to due process regulations when student conduct violations occur?

- #1 Priority
- Important, but not #1
- Neutral
- Unimportant, but still present
- Not a priority, or present at all

Provide an example illustrating why you selected the answer above.

When considering your own views and values, how important is adherence to due process regulations when academic misconduct violations occur?

- #1 Priority
- Important, but not #1
- Neutral
- Unimportant, but still present
- Not a priority, or present at all

Provide an example illustrating why you selected the answer above.

When considering your own views and values, how important is adherence to due process regulations when student conduct violations occur?

- #1 Priority
- Important, but not #1
- Neutral
- Unimportant, but still present
- Not a priority, or present at all

Provide an example illustrating why you selected the answer above.

End of Block: Due Process

Start of Block: Case Demographics

How often does your institution collect demographic information on the respondents of academic misconduct cases?

- 100% of the time
- Most, but not all, of the time
- Around 50% of the time
- Occasionally, but it is not consistent
- Never

Please explain the rationale for collecting or not collecting demographic information and indicate if it is your opinion or a directive of the institution.

If demographic information is kept, please describe any trends found in this data. If demographic information is not recorded, please type "N/A" in the space provided.

How often does your institution collect demographic information on the respondents of student conduct?

- 100% of the time
- Most, but not all, of the time
- Around 50% of the time
- Occasionally, but it is not consistent
- Never

Please explain the rationale for collecting or not collecting demographic information and indicate if it is your opinion or a directive of the institution.

If demographic information is kept, please describe any trends found in this data. If demographic information is not recorded, please type “N/A” in the space provided.

End of Block: Case Demographics

Start of Block: Comparing Policies

Which policy do you believe provides the highest standards of due process, equity, and fairness to the responding student on your campus?

- Without Question, Academic Misconduct
- For the Most Part, Academic Misconduct
- They are equally good and/or equally bad
- For the Most Part, Student Conduct
- Without Question, Student Conduct

Explain your answer above and provide an example that illustrates your response.

Provide an example that best illustrates any frustrations you have with the working relationship between the management of the academic misconduct cases and the management of student conduct cases.

Describe any inequities between academic misconduct and student conduct present on your campus. If you do not believe there to be any policy inequities, please type “NONE” in the space provided.

Provide an example that best illustrates the positive aspects of the working relationship between the management of the academic misconduct cases and the management of student conduct cases.

End of Block: Comparing Policies

Start of Block: Concluding Thoughts

Please share any additional information you feel is relevant to this study.

End of Block: Concluding Thoughts

Appendix B – Invitation Letters to Participate in Survey

Subject: Due Process in Academic Misconduct & Student Misconduct Processes

Dear (Job Title, Last Name),

My name is Erin Logan. I am a Doctoral Candidate at West Chester University in Pennsylvania. I have worked in higher education administration for the past 15 years, 12 of which in the community college setting. I currently serve as the Director for Student Conduct and Service Learning at Rose State College, a community college located in the Oklahoma City metro area.

I am conducting a study titled, “Due Process in Academic and Student Misconduct at Community Colleges: Analyzing Current Policies, Exploring Good Practices, and Examining Consistent Standards.” I am emailing you to ask for your participation by sharing your knowledge and experience regarding due process in the academic misconduct and student misconduct processes at community colleges through this brief survey.

The survey consists of close-ended and open-ended questions, and I anticipate it will take about 30 minutes to complete. Your responses will be anonymous. Further information regarding participation is included below.

Upon completion of this study, I plan to send a full report to the Association for Student Conduct Administration, to document and share the perspectives of the community college administrators who are on the front lines of the misconduct processes. I plan to publish the results of the research in peer reviewed journals, as well. Regardless of your choice to participate or not, I will provide you with a copy of my final report.

Please contact me directly, either via this email or my cell phone 405-924-1323 (talk or text) if you have any questions or concerns. While I hope you consider participation in this research, I would like to express my gratitude and appreciation for you and the work you do for the student of community colleges.

Completion and submission of the on-line survey will be considered your consent to participate. To begin the consent process and to complete the survey click here or copy and paste the following link:

https://wcupa.co1.qualtrics.com/jfe/form/SV_0dNGRpNXIYM5vHT

Sincerely,
Erin Logan

Subject: Due Process in Academic Misconduct & Student Misconduct Processes: Reminder

Dear (Job Title, Last Name),

I previously reached out to you to request your participation in a study entitled, "Due Process in Academic and Student Misconduct at Community Colleges: Analyzing Current Policies, Exploring Good Practices, and Examining Consistent Standards." Because the survey is anonymous, I have no way of knowing if you already completed the survey. If you did, thank you! If you have not yet, I would love your expert opinion to be included in my research.

The survey should take about 30 minutes to complete and it will remain open until [date]. After that date, it will be closed and individuals will no longer be able to complete it. Further information regarding participation is included below.

Please be reminded that upon completion of this study, I plan to send a full report to the Association for Student Conduct Administration, to document and share the perspectives of the community college administrators who are on the front lines of the misconduct processes. I plan to publish the results of the research in peer reviewed journals, as well. Regardless of your choice to participate or not, I will provide you with a copy of our final report.

Feel free to reach out to me directly either via this email or cell phone 405-924-1323 (talk or text) if you have any questions or concerns. I hope you will consider participating in this research. And again, thank you for the work you do serving community college students.

Completion and submission of the on-line survey will be considered your consent to participate. To begin the consent process and to complete the survey click here or copy and paste the following link:

https://wcupa.co1.qualtrics.com/jfe/form/SV_0dNGRpNXIYM5vHT

Sincerely,
Erin Logan

Appendix C – IRB Informed Consent

Project Title: Due Process in Academic and Student Misconduct at Community Colleges: Analyzing Current Policies, Exploring Good Practices, and Examining Consistent Standards

Investigator(s): Erin Logan; Mia Ocean (Faculty Sponsor)

Project Overview: Participation in this research project is voluntary and is being done by Erin Logan as part of her Doctoral Dissertation to analyze the application of due process, equity, and fairness in academic misconduct and student conduct cases at community colleges. Your participation will take about 30 minutes to take the survey.

The research project is being done by Erin Logan as part of her Doctoral Dissertation to analyze the application of due process, equity, and fairness in academic misconduct and student conduct cases at community colleges. If you would like to take part, West Chester University requires your consent. Please select the consent options at the end of this consent form and use the forward progress arrow to continue.

You may ask Erin Logan any questions to help you understand this study. If you don't want to be a part of this study, it won't affect any services from West Chester University. If you choose to be a part of this study, you have the right to change your mind and stop being a part of the study at any time.

1. **What is the purpose of this study?**
 - Understand the application of due process, equity, and fairness in academic misconduct and student conduct cases at community colleges.
2. **If you decide to be a part of this study, you will be asked to do the following:**
 - Take the survey
 - This study will take 30 minutes of your time.
3. **Are there any experimental medical treatments?**
 - No
4. **Is there any risk to me?**
 - None
5. **Is there any benefit to me?**
 - None
6. **How will you protect my privacy?**
 - The session will **not** be recorded.
 - Your records will be private. Only Erin Logan, Mia Ocean, and the IRB will have access to your name and responses.
 - Your name will **not** be used in any reports.
 - Records will be stored:
 - Password Protected File/Computer
 - Records will be destroyed three years after study completion
7. **Do I get paid to take part in this study?**
 - No
8. **Who do I contact in case of research related injury?**
 - For any questions with this study, contact:
 - **Primary Investigator:** Erin Logan at 405-924-1323 or el925226@wcupa.edu
 - **Faculty Sponsor:** Mia Ocean at 610-436-3594 or mocean@wcupa.edu
9. **What will you do with my Identifiable Information/Biospecimens?**
 - Not applicable.

For any questions about your rights in this research study, contact the ORSP at 610-436-3557.

If you consent to participate in this study and are ready to begin, please click on the “I consent” button below.

I consent to participate and begin the survey.

Appendix D – IRB Approval Documents



Office of Research and Sponsored Programs | West Chester University | Ehinger Annex
West Chester, PA 19383 | 610-436-3557 | www.wcupa.edu

Protocol ID # 20201029B

This Protocol ID number must be used in all communications about this project with the IRB.

TO: Erin Logan and Mia Ocean
FROM: Nicole M. Cattano, Ph.D.
Co-Chair, WCU Institutional Review Board (IRB)
DATE: 10/28/2020

Project Title: "Due Process in Academic and Student Misconduct at Community Colleges: Analyzing Current Policies, Exploring Good Practices, and Examining Consistent Standards."

Notification of Initial Study Exemption Determination

Exempt From Further Review

This Initial Study submission meets the criteria for exemption per the regulations found at 45 CFR 46.104 (3)(A). As such, additional IRB review is not required.

The determination that your research is exempt does not expire, therefore, annual review is not required and no expiration date will be listed on your approval letter. If changes to the research are proposed that would alter the IRB's original exemption determination, they should be submitted to the WCU IRB for approval, using the IRB application form (check off I.G. Revision).

Your research study will be archived 3 years after initial determination. If your Exempt study is archived, you can continue conducting research activities as the IRB has made the determination that your project met one of required exempt categories. The only caveat is that no changes can be made to the application. If a change is needed, you will need to submit a NEW Exempt application. Please see www.wcupa.edu/research/irb.aspx for more information.

However, it is very important that you close-out your project when completed or if you leave the university. Faculty mentors are responsible for oversight of student projects and should ensure exempt studies are completed and closed-out before the student leaves the university.

The Principal Investigator and/or faculty mentor is responsible for ensuring compliance with any applicable local government or institutional laws, legislation, regulations, and/or policies, whether conducting research internationally or nationally. Please contact the WCU Office of Sponsored Research and Programs at irb@wcupa.edu with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole M. Cattano".

Co-Chair of WCU IRB

WCU Institutional Review Board (IRB)

IORG#: IORG0004242

IRB#: IRB00005030

FWA#: FWA00014155

Appendix E – Code Book and Code Frequencies

<p>1. PAT-Bureaucracy Hierarchical system managing the organization</p> <p>2. PAT-Principal Entity responsible for delegating authority for decisions</p> <p>3. PAT-Agent Entity allowed to make decisions on behalf of the Principal</p> <p>4. PAT-Structure Structure of the organization</p> <p>5. PAT-Authority Place within the hierarchy responsible for outcomes</p> <p>6. PAT-Function Processes designed to help the community run smoothly</p> <p>7. PAT-Power The entity within the organization that holds control over a policy or process</p> <p>8. DPE-Hearing Process Manner by which cases are heard</p> <p>9. DPE-Decision Method Manner by which outcomes are determined</p> <p>10. DPE-Notification The steps taken to notify the student of the accusation</p>	<p>11. DPE-Data Collection Information collected on each case to be used for comparative analysis</p> <p>12. DPE-Review Assessment of cases and data</p> <p>13. ORT-Punitive Non-educational outcomes designed only to penalize the respondent and do not contribute to growth</p> <p>14. ORT-Restorative Outcomes specifically designed to restore or rebuild the community that was lost because of the violation</p> <p>15. ORT-Outcomes Resolutions and requirements of the respondent based on the finding of the hearing.</p> <p>16. ORT-Centralized Decision Making A single person or office responsible for making any decision related to the policy</p> <p>17. ORT-Decentralized Decision Making Several people or offices responsible for making decisions related to the same policy</p> <p>18. ORT-Collaboration Offices working together to ensure successful outcomes for all parties involved</p>
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Code	Overall Frequency	Document Frequency
PAT-Bureaucracy	28	17
PAT-Principal	48	25
PAT-Agent	54	27
PAT-Structure	25	14
PAT-Authority	27	18
PAT-Function	11	9
PAT-Power	30	18
DPE-Hearing Process	53	25
DPE-Decision Method	48	25
DPE-Notification	20	16
DPE-Data Collection	43	20
DPE-Review	20	11
ORT-Punitive	24	18
ORT-Restorative	29	16
ORT-Outcomes	45	23
ORT-Centralized Decision Making	31	20
ORT-Decentralized Decision Making	30	21
ORT-Collaboration	25	16

Appendix F – Thematic Evaluation

Research Question 1: How does the due process of responding students vary between academic misconduct and student misconduct policies and procedures on community college campuses?

Theme 1: When housed under the same umbrella, due process, equity, collaboration, and cooperation are more frequent in the academic and student misconduct processes. Consequently, adherence to due process procedures is less frequent in academic misconduct processes when housed separately from student conduct processes.

- **Category: Decision Making (Stakeholders)**
 - Code 2: PAT-Principal
 - Code 3: PAT-Agent
 - Code 18: ORT-Collaboration
 - Code 10: DPE-Notification
- **Category: Decision Making (Processes)**
 - Code 8: DPE-Hearing Process
 - Code 9: DPE-Decision Method
 - Code 16: ORT-Centralized Decision Making
 - Code 17: ORT-Decentralized Decision Making
- **Category: Outcome Equity**
 - Code 12: DPE-Review
 - Code 13: ORT-Punitive
 - Code 14: ORT-Restorative
 - Code 15: ORT-Outcomes

Research Question 2: How do the various methods used to process cases vary between academic misconduct and student conduct policies and procedures on community college campuses?

Theme 2: While thought of as a top priority by both practitioner and institution, due process rights are not equally distributed or included in all campus misconduct policies.

- **Category: Policies and Procedures**
 - Code 1: PAT-Bureaucracy
 - Code 4: PAT-Structure
 - Code 5: PAT-Authority
 - Code 6: PAT-Function
 - Code 7: PAT-Power
- **Category: Assessment**
 - Code 11: DPE-Data Collection
 - Code 12: DPE-Review

Appendix G – Relationship of Code Frequency

Code System	PAT-Bureaucracy	PAT-Principal	PAT-Agent	PAT-Structure	PAT-Authority	PAT-Function	PAT-Power	DPE-Hearing Process	DPE-Decision Method	DPE-Notification	DPE-Data Collection	DPE-Review	ORT-Punitive	ORT-Restorative	ORT-Outcomes	ORT-Centralized Decision Making	ORT-Decentralized Decision Making	ORT-Collaboration
PAT-Bureaucracy	0	20	21	6	9	2	7	6	8	5	4	4	5	5	2	9	8	8
PAT-Principal	20	0	47	15	18	3	14	19	20	7	9	5	5	8	14	11	12	9
PAT-Agent	21	47	0	15	17	3	15	23	19	7	9	6	6	9	13	12	12	10
PAT-Structure	6	15	15	0	11	2	9	12	12	2	5	1	3	3	10	5	8	3
PAT-Authority	9	18	17	11	0	4	8	7	11	4	4	1	2	2	7	4	10	3
PAT-Function	2	3	3	2	4	0	3	6	6	3	5	0	0	0	4	4	3	1
PAT-Power	7	14	15	9	8	3	0	14	13	3	5	1	6	7	10	13	8	9
DPE-Hearing Process	6	19	23	12	7	6	14	0	36	12	15	6	6	8	16	11	10	7
DPE-Decision Method	8	20	19	12	11	6	13	36	0	11	12	6	6	7	17	8	10	6
DPE-Notification	5	7	7	2	4	3	3	12	11	0	6	4	5	3	6	2	7	3
DPE-Data Collection	4	9	9	5	4	5	5	15	12	6	0	9	6	8	9	12	5	9
DPE-Review	4	5	6	1	1	0	1	6	6	4	9	0	6	5	5	3	2	3
ORT-Punitive	5	5	6	3	2	0	6	6	6	5	6	6	0	8	10	7	10	6
ORT-Restorative	5	8	9	3	2	0	7	8	7	3	8	5	8	0	16	14	5	14
ORT-Outcomes	2	14	13	10	7	4	10	16	17	6	9	5	10	16	0	12	15	10
ORT-Centralized Decision Making	9	11	12	5	4	4	13	11	8	2	12	3	7	14	12	0	7	11
ORT-Decentralized Decision Making	8	12	12	8	10	3	8	10	10	7	5	2	10	5	15	7	0	5
ORT-Collaboration	8	9	10	3	3	1	9	7	6	3	9	3	6	14	10	11	5	0