

Speeches

CAMPUS DISCIPLINE AND STUDENT RIGHTS

APGA Convention

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feel as though I
I ~~must confess to~~ appearing on this program this morning under somewhat
false pretenses. At the time I was invited to be on this panel, I was a practicing
Dean of Students and therefore had a valid claim to expertise in the area of campus
discipline. I moved quite far from Student Personnel work this fall when I entered
into academic and curricular evaluation for Educational Testing Service. I ~~find~~ *must*
~~it quite amazing~~ *confess* that this new perspective has cleared up ~~all~~ *many* of the problems of
student personnel work and once again they are as clear-cut and simple as when I
was a student. ~~I can once again~~ *It rather easy* offer the theoretical answers to those who must
carry them out. It is a most enviable position—or it would be if I really knew
a consistent ~~student personnel~~ *of discipline* theory around which we could orient our practices
~~in discipline.~~

One of the major findings of Dr. Terrill study
~~In making her point that there is a discrepancy between theory and~~
~~shows that there seemed to be considerable discrepancy~~
~~practice, Dr. Terrill starts with the assumption that there is a counselor-educator~~
~~between theory & practice in dealing with campus discipline~~
~~theory for campus discipline which is accepted by most professional student personnel~~
~~workers. She gives ample evidence of what the practice is on 30 representative~~

*I'd like first to offer an armchair analysis of the
problem & to propose some testable hypotheses.*

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~~campuses. She is considerably less explicit, however, about what the counselor-~~

~~educator theory is that is accepted by student personnel workers but not practiced~~

~~by them.~~ *Basically, I think the discrepancy between theory & practice is a product of confusion between counseling theory & SP. theory.*

~~After reading Miss Terrill's dissertation and being stimulated to think~~

~~about this discrepancy between theory and practice, I'd like to put forth an armchair~~

~~analysis of the problem. My conclusion can be stated succinctly. Basically, I think~~

~~that we as student personnel workers have not developed adequate theory to guide~~

~~our practice.~~ *or at least as it pertains to discipline* To me student personnel administration is not counseling, and I am

not at all surprised that we end in confusion when we attempt to lift counseling

theory bodily into a situation for which it is not appropriate. I become increasingly

convinced that today's personnel dean should be an administrator with counseling

background and not a counselor with administrative abilities. Having stated the

bias with which I am going to approach this subject, let me begin with some descrip-

tions of what happens when we borrow counseling theories for the occasion rather than

maintaining
~~developing~~ a consistent personnel theory for campus discipline.

There is one counseling theory that begins with the fundamental assumption that the individual of college level intelligence, who gets himself into disciplinary difficulties, is capable of seeing that this is not helping and, in that sense, it is

not a reasonable or logical solution. Rather it is an emotionally based solution which is essentially self defeating. Once the emotional content is understood and accepted the individual will be educated, so to speak, and be able to behave in a more constructive manner. This is essentially a psychological orientation and *arising from such fundamental concepts as unconscious* ~~would be accepted by Freud and anyone else concerned with revealing unconscious motivation, early childhood learning experiences, conditioning, etc.~~ *motivation.*

personnel oriented

Now there is a quite different ~~counselor-educator~~ theory that is expressed by Dan Feder's statement "the concept of discipline in a college or university today places emphasis on the student's acceptance of his own personal-social responsibility."

Let me submit that part of our difficulty is that these two theories are frequently accepted as one counseling approach to discipline. Fundamentally, these two theories start at different points and end at different points and the student personnel administrator who makes no distinction between student personnel work and counseling ends up with no consistent theory.

To oversimplify somewhat, the starting point of campus discipline is the number and kind of rules and regulations there are to be broken; the ending point is what happens when infractions occur. The very fact that the personnel

to oversimplify somewhat, campus discipline can be thought of as starting with the number and kinds of rules & regulations there are to be broken. ^{to illustrate,} I have heard otherwise intelligent faculty members assert that the removal of regulations results in fewer disciplinary cases & this they assume means better behavior. Obviously, what it means is that if there are no ~~women's~~ campus curfews, the number of girls disciplined for coming in late drops to zero. || Rule & regulations are thus the starting point for the analysis of campus discipline. The ending point of course is what happens when infractions occur. / The very fact that the personnel

dean usually has an opportunity to influence policy in both of these areas makes
it important that we ~~have a consistent theory which will serve as a guide to~~
give some attention to fundamental assumptions
& philosophy.
practice.

Let me now submit a testable hypothesis. I suspect that many student
personnel workers who would classify themselves as liberal counselor-educators
would handle campus discipline by beginning with the Feder theory and ending
with ~~the Freudian~~ *counseling - psychology* theory. That is, when setting policy for regulations, they
would assume that students are essentially responsible persons capable of
successfully directing their own lives. On this campus we would find the
emphasis on individual personal-social responsibility. There would be few
restrictive regulations, and ^{the} a few regulations necessary would be established
by the students for the common good. When it comes to handling the infractions,
however, observation would lead me to predict that the personnel dean eager to be
a thorough going counselor might switch to ~~the Freudian~~ *psychological* theory and assume that
student offender is not really a responsible person ~~completely~~ *to be held* accountable for
his actions, but rather he is a disturbed person engaging in self defeating
behaviour. Counseling ~~is, of course, the~~ *then is their* answer.

~~Now I have no objection to either one of these as counseling theories~~

~~I certainly do not mean to imply that counseling is not
appropriate in disciplinary cases. In the example which I have just
described, however, we do not have a theory of discipline. There is no
consistent core which is~~

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~~and~~ I certainly do not mean to imply that counseling is not appropriate in disciplinary cases. In the example which I have just described, however, we do not have a theory of discipline. There is no consistent core which will serve

to guide disciplinary procedures. ~~The consistency is probably along the~~
~~contention that this is the kind of Dean students think they deserve.~~

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Now let's see what happens if we ~~begin~~
~~begin~~ ^{opposite} into the assumption:
that students are not yet mature, that they have
not had sufficient experience to develop their
own standards for group & individual behavior
& that therefore the college should assume
major responsibility for defining the acceptable
standards of behavior. On the campus of the
Dean starting with this assumption, we would
be likely to find detailed regulations and if

I submit the hypothesis that what we would find is that the institution spelling out detailed rules (on the assumption that this responsibility cannot be handled by the student) is also the one dealing most strictly with violations & holding the student rigidly accountable for his actions. ~~with the assumption of responsibility~~ Consistency would indicate that this school should counsel with the disciplinary offender & help him toward growth & maturity. ~~The consistency~~ ^{not along a thorough discipline. It is} continuation of this ~~Discipline~~ is probably more along the line of being ruled consistently. The Dean least popular with students.

Here again we have no consistent theory of discipline.

fundamental assumptions throughout. There are undoubtedly many campuses that are relatively consistent in beginning and ending with the Feder assumption of personal-social responsibilities. But because I am well acquainted with Cornell and because their statements are succinct let me use them as an example of what I think is a consistent approach to campus discipline. I might tell you as an aside that the Cornell philosophy on student discipline was drafted by the 8 deans of the undergraduate colleges ~~none of them so far as I know was training in counseling.~~ From what turned out to be a rather long report I shall simply pick two sentences that speak to the points that I want to make. In dealing with rules and regulations they state, "It is expected that faculty legislation in the area of student affairs will deal with matters of principle and with broad precepts, and that it will not be concerned with the detailed rules and regulations which are the special province of Student Government."

The under^{lying}lined philosophy I think in this statement is a faith and acceptance of the maturity and responsibility of ^{college}the students. I am happy to say that I believe the

faculty and administration of Cornell follows this statement in practice as well as in theory. The students do indeed have a great deal of freedom to make the social regulations for the campus.

The second sentence which I wish to quote from their report of 1958 is the stand which has been taken on disciplinary procedures. It reads as follows:

"The deans agree that the basic approach to student discipline should be positive and founded in leadership rather than restriction. Rules should be few in number and clearly set forth. Infractions should lead to prompt decisive and stringent disciplinary action."

Counseling is offered to the student offender if he wishes to take advantage of it, but it is ^{not} ~~never~~ substituted for disciplinary action--unless, of course, it is established that the student should not be held responsible for his actions. Except in highly unusual circumstances, such a student would probably also cease to be considered as sufficiently responsible to remain in the student

This approach is held together by the consistency of viewing community. As educators those ~~at~~ Cornell who drafted these statements felt that students are responsible persons to be held accountable for their fundamentally a actions.

all of this is by way of offering ^{one} possible explanation to Dr Terrillo's finding of most discrepancies between theory & practice in SPA. I think that we must be careful that the theory in use in SPA is appropriate to the needs.

Now I shall move to some more specific comments on the area of student rights which Dr. Terrill recommends in her dissertation. She lists ~~what I will~~ ~~ten~~ five ~~inalienable~~ rights of the student offender. They are as follows:

(1) that explicit charges be made, (2) the right of counsel, (3) the right to call a witness, (4) the right to question accusers and (5) the right of appeal.

I think I would define my position on student rights as one which would support student rights wholeheartedly as long as "student" includes the student society--the students who have not offended as well as those who have. I don't see how we can talk about offender rights as a single variable in a complex situation. There is no question of the importance of individual rights where these rights are independent of the rights of society or of the group. Where offender rights would in some way impinge upon the rights ~~/~~ of society then it seems to me we need to bring more factors into consideration. It would be hard to convince me that the rights of the accused inevitably come before the rights of others. Of Dr. Terrill's five recommendations I feel that three of them are relatively independent of the rights of others and therefore should be part of the disciplinary procedures without question. Those three are: 1) the student offender has a right to know explicitly what charge is being made against him. I don't see that this

in any way interferes with the rights of anyone else. As a matter of fact, I think it should be ~~/~~ a right of the personnel Dean to have this in the form of a written statement. In the first place, it is not subject to misquoting and secondly the charge becomes that of the institution rather than of the person who happens to have the first conference with the student. The right of the offender to call witnesses doesn't seem to me to affect the rights of others and I would therefore feel that this right should be granted, ~~without question~~. The right to appeal is a right which should be expected ~~//~~ by both the individual and by society. The appeal should preferably be made to another group rather than to a single administrative official. In case, ~~however~~, of any ~~unjust~~ ~~unjust~~ decision by one group, certainly another group should have the opportunity to correct any possible miscarriage of justice. At worst, the right of appeal is a waste of time. At best, it is a guardian of both the rights of individual and of society.

There are two offender rights recommended by Dr. Terrill, however, that seems to me to affect the rights of others and as such must be considered in the total context of whose rights are denied if the offender's rights are granted.

The first is the right to counsel. If this means legal counsel, then I think there is a problem. Given the present complexities of the legal system and our complete dependence upon the expert, the college granting the offender legal counsel~~ly~~ has every right and every responsibility to be protected by legal counsel. Given a situation in which the college has a lawyer and the offender has a lawyer, we have an ~~ex~~ entirely different situation than the usual disciplinary situation. To me it would be a most unfortunate kind of disciplinary procedure.

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presented ~~/o~~ for disciplinary action at all.

The second right D_r. Terrill would bring it to the offender which I feel has implications for the rights of others is the right to question the accuser. The accuser too has rights and I am not completely convinced that one of these rights ~~is not the right~~ in our present student society is not the right to remain ~~an~~ anonymous as far as the offender is concerned. The harassment from peers suffered by the offender is certainly minimal compared to that to ~~appeal~~ the harassment of a student feeling a sufficient sense of responsibility to society to accuse a fellow student. I am not so sure that the protector of the social order--usually a tattletale~~//~~ in our society--should be without rights. I do think, however, that the accused should have every right to question the testimony offered by the witness to his act. I would suggest that there is a ~~very good~~ solution to this problem which protects both the rights of the accused and the accuser. I believe that the testimony of the accuser should be ~~p~~resented in written form and the accused should have the opportunity to ~~to~~ deny, to admit or to correct this testimony. A third party in the form of a personnel dean or other intermediate^{party}, however, may, it seems to me, be used to preserve the rights of the identity of the accuser.

In conclusion, I think that the entire
problem of campus discipline and student
rights is a crucial one in higher education ^{today}
and that it is essential that we do some
careful thinking about establishing sound
procedures that will implement our goals
in this area.