A DECISION-MAKING FRAMEWORK FOR STUDENT JUDICIAL AFFAIRS

by

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ABSTRACT

Senior Student Affairs Officers (SSAOs) play an important role in post-secondary institutions ensuring their institutions’ policies, goals and strategic plans are respected while simultaneously supporting students’ academic and campus life needs. Their work is complex, challenging and constantly changing; the decisions they make can impact reputations, academic careers and the integrity of programs and institutions. It would be assumed, then, that the literature is replete with first-hand accounts of how SSAOs do their jobs, what skills they need, and what tools they use. Surprisingly, this is not the case. While the literature is not lacking research about the profession generally, it has limited personal accounts by practitioners describing the work they do, and how they make their complex decisions. This dissertation addresses this issue by presenting a first hand account of my work as a SSAO. In addition to a commitment to add to the student affairs literature base, the purpose of this study was to develop a decision-making model that would provide a structure to my practice and guide a process to develop consistent and fair courses of action.

I began the task by reviewing existing decision-making models and making a series of adaptations that would create a framework that would be useful in my decision-making efforts. I then constructed four vignettes, exemplifying the types of issues I encounter in my role as a SSAO. Each vignette was used sequentially to test and critique the decision-making framework thereby indicating places where refinements were needed. The first three vignettes were instrumental in illustrating and exposing the shortcomings of the
framework. The fourth vignette provided a scenario that challenged the model and suggested where limitations lie not just in the framework, but also in the work of SSAOs. The end result of this iterative process is a refined two-stage decision-making framework.

This work has added to the literature of the student affairs profession; it provides a much needed tool, a decision-making framework that can assist practitioners in their role of providing consistent and fair decisions in an environment fraught with change and uncertainties.
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DEDICATION

This dissertation is dedicated to my Dad, William James Sawyer, who at the age of 93 years has learned more about life, people and our world than I can ever hope to. He never attended graduate school but is more educated than anyone I know. He has been an inspiration throughout my entire life, encouraging me to follow my dreams, and pursue my interests. He instilled in me a set of values that will persist forever — loyalty, honesty and integrity. He also taught me to work hard, laugh and love. Thank-you Dad.
CHAPTER I: INTRODUCTION

I did not expect to become a Senior Student Affairs Officer. My undergraduate degree prepared me for a career in the environmental sciences; at the master’s level, I earned an interdisciplinary degree in law, policy and biology. My goal of teaching in an environmental field was met when I secured a teaching position at a medium sized university — a position I greatly enjoyed.

My career path abruptly changed direction with a phone call one summer day. The Senior Student Affairs Officer (SSAO) had just announced his retirement; he planned to reduce his work load over the next few months and depart in December. The institution had already begun reviewing the structure of the Division of Student Development where this position was located, and decided to take advantage of the retirement by not immediately filling it. The question came to me during the summer break: “Would I consider, on a part-time seconded basis, filling in for the SSAO until Christmas, or until the new structure was in place?”

The question was both a surprise and a puzzle. Firstly, I was not looking for a different job and secondly, I had no idea what the SSAO actually did. I asked the expected questions: “What was the job? When did I have to make a decision? What proportion of my workload was being seconded? Why me?”

The caller was the Dean of the Division of Student Development, and her answers were thoughtful: “The job will involve judicial affairs, student leadership and orientation. You need to make a decision in the next couple of
days, you will be released from 30% of your teaching load, and you are being asked because you already have some of the skills needed in this position”.

“What skills were those?” I wondered. That conversation occurred in 2001. I am still in the position, but it is now full-time and I no longer have a teaching load. The learning curve was sometimes gradual, sometimes steep, always interesting and often perplexing. It was true, I did have some of the skills — for example, I had gained leadership skills through a variety of community involvements, and I was an organizer and was comfortable reading, writing and interpreting policy. Other skills were acquired en route through hit and miss, trial and error and the occasional professional development opportunity. I could not say that there was any intentional skill development — the field is composed of many pathways and it was hard to know just what might be needed around the next curve.

What is a Senior Student Affairs Officer?

My first question, back in July 2001, asked about the role of a SSAO. As I grew into the position, I realized that it cannot be described concisely, nor would it be possible to state that all SSAOs have identical jobs. There are, however, some common expectations and challenges.

Student Affairs professionals have held positions in post-secondary institutions since the 1600s when colonial colleges were founded and students were expected to live in dormitories while attending college under the supervision of their faculty (Nuss, 2003). When the profession of Student Affairs began it was seen as a necessity to support the non-academic aspects of student
life, while developing the student into a ‘whole person’. Student life has been described as that which goes on outside of the classroom (Fried, 2002).

It involved taking over the role of disciplinarian once held by the parents (in loco parentis) while also trying to ensure a positive learning environment complete with supports to address the many issues which accompany student life (illness, mental health issues, learning disabilities, financial complications, family emergencies and others).

The doctrine of in loco parentis permeated the institutions ensuring that faculty provided parental guidance and discipline for their students in addition to academic teachings. This doctrine continued to play an important role in the lives of students and faculty until its demise during the civil rights era (Gaston-Gayles, Wolf-Wendel, Nemeth Tuttle, Twombly & Ward, 2005).

This era brought lasting changes to society, education, public policy and inevitably to the role of student affairs officers. “Activist students protested the Vietnam War, racial injustice, and the shortcomings of higher education” (Nuss, 2003, p. 74). Students demanded independence and responsibility for their own actions, and in loco parentis no longer dominated the interactions between students and faculty. “A student today who is dismissed from a college or a university for conduct purposes, is likely to challenge the institution in court. In the days of in loco parentis, which were most of this century, the student would go home quietly and perhaps plead to be readmitted a year or more later” (Levy & Kozoll, 1998, p. 7) [italics in original]. Although these changes required
Student Affairs professionals to be more instrumental in resolving conflicts, they were still faithful to the principles of “development of the whole person and the fact that student affairs was established to support the academic mission of institutions in higher education” (Nuss, 2003, p. 74). The scope of their work broadened.

The evolving role of student affairs professionals is reflected in the development of the professional organizations. The organizations developed in student affairs were designed “to advance understanding, recognition, and knowledge in the field; to develop and promulgate standards for professional practice; to inform the public on key issues; to stimulate and organize volunteerism; and to provide professionals with a peer group that promotes a sense of identity” (Nuss, 2000, p. 493). Because Deans of men and women were initially tasked with the duty of disciplining students it is not surprising that amongst the first of the professional organizations to arise was the National Association of Deans of Women (NADW); they organized in 1916 and have since evolved to become the National Association for Women in Education (NAWE) an organization whose interests focus on women’s issues in higher education (Nuss, 2000, P. 493). Similarly, the Deans and Advisors of Men organized in 1919 to address their concerns, but unlike NADW, which no longer views itself as a major student organization, they evolved to become part of NASPA (Nuss, 2000, p. 493). NASPA, an American based international organization currently serves
over “8000 members from more than 1500 U.S. and international higher education institutions” (Barr, Desler, & Associates, 2000, p. xx).

In a review of the development of the Canadian Association of College and University Student Services (CACUSS), Hardy Cox (2002) describes the evolution of Canadian student services, noting its beginning in career and employment counselling triggered by the return of veterans from WW II seeking to reintegrate into Canadian Society. She identifies the first organization, formed in 1946, the University Advisory Services (UAS). It provided career counselling and was eventually replaced by the University Counselling and Placement Services (UCPA). Similar structures persist in student services at Canadian institutions today, sometimes within the department of Student Affairs, and sometimes within the Counselling Department. In 1963 a proposal from a UCPA conference resulted in a new division of the organization, one that included deans and administrators – The Canadian Association of Deans and Administrators of Student Affairs (CADASA) (Hardy Cox, 2002). Over the next ten years UCPA and CADASA evolved into CACUSS, an organization that exists today with six divisions: Canadian Academic Integrity and Judicial Affairs (CAISJA); Canadian Association of Disability Service Providers in Post-Secondary Education (CADSPPE); Canadian Organization of University and College Health (COUCH); Canadian University and Counselling Association (CUCCA); National Aboriginal Student Services Association (NASSA); and Student Affairs and Services Association (SASA). Members are encouraged to
join the division which most closely reflects their professional role. For example, I originally joined SASA, but upon the acceptance of CAISJA as a new division in January 2008 (Shea, 2008), I transferred to CAISJA where I can interact with other SSAOs whose main duties include judicial affairs. The divisions, to a certain extent, reflect the organizational structures operating in Canadian post-secondary institutions and are responsive to changing dynamics and needs in the student services arena.

Today’s Student Affairs professionals have a myriad of roles in the post-secondary system; they are seen as “leaders and mentors” (Schuh, 2002) and as “educator, advocator, mediator, initiator and change agent” (Gaston-Gayles, Wolf-Wendel, Nemeth Tuttle, Twombly & Ward, 2005, p. 263). They are called Vice-Presidents, Judicial Affairs Officers, Student Affairs Managers, Directors and Deans, with “Deans” being the most common of titles (Bostic & Gonzalez, 1999). The term Senior Student Affairs Officer (SSAO) within this dissertation is used as a label for the wide variety of university and college positions which address student behaviour and the complexities of institutional safety, interests and reputation.

Typically a Senior Student Affairs Officer works in a delicate balance of addressing concerns of students while trying to placate the anxieties of the institution’s senior management. An SSAO is usually placed high on the organizational chart, reporting to the president, vice-president or associate vice-president and is expected, among other things, to “manage student unrest and
bring peace to the institution” (Gaston-Gayles et al, 2005, p. 268). SSAOs are supposed to “represent the institutions’ views to the students and to mete out discipline to students who fail[ed] to follow the campus rules” (Gaston-Gayles et al, 2005, p. 264). Ironically, the SSAO tasked to discipline students is also expected to work closely with them and gain their trust; naturally these students expect that the SSAO will advocate for, and advise them from his/her thorough knowledge of polices, legislation, conflict resolution, leadership and interpersonal skills. These roles are often conflicting, confusing and complicated.

In a survey conducted by CACUSS (Robinson, 2002), SSAOs were asked to identify the areas which fell within their student affairs portfolio. Thirty-nine different areas were identified, with the most frequent ones being (in this order): Disciplinary Issues and Orientation; Disability Services, Employment Services and Counselling; Peer Programs; and then a larger grouping which involved student life and other activities.

My own responsibilities as a SSAO fall into three areas. One area is to act as an advisor to the many student groups on campus, including the Student Union, the Student Leadership Team, the Peer Support Team, the First Nations Student Association and the Greek organizations. Leadership training and team building are the dominating aspects of this role. The second area of the position is to oversee the Student Orientation Program. This is a less onerous role due to the presence of the Orientation Coordinator and student helpers, but still requires involvement, program planning and organization. It is the third aspect
of my position, student judicial affairs, that dominates my time. This entails resolution of student conflicts with each other and/or faculty, addressing disruptive behaviours and code of conduct violations (student discipline), as well as other policy related concerns. This study focused on my role in student judicial affairs.

In my institution, the SSAO is neither a student nor a faculty advocate, but is instead the office to bring issues to for resolution and fair application of policy; there is an expectation of consistency and due process. Upon considering the many facets of this position, it is not surprising that it would be difficult to identify all the necessary skills and training which would enable someone to step into this role. For example, a list of desirable capabilities and qualities would include proficiencies in conflict resolution, violence prevention, threat assessment, ethical dilemmas review, policy interpretation, community education about policy, moral and ethical values, spiritual advising, counselling, human rights, cultural sensitivity, judicial processes and more!

I recall, in fact, one rather hostile encounter approximately one month into my term as SSAO. A student and instructor had been involved in a confrontation resulting in the student being forced, by the instructor, to leave the class. As I investigated the situation, it became clear that the instructor was in the wrong and had no cause to dismiss the student. The instructor passed me in the hallway shortly after the incident and angrily asked me what my qualifications were for this position. It was a question I chose to sidestep at that
moment, but one I pondered for some time. Even today, I would have to think carefully before responding to such a question. I have attended several conferences and workshops alongside other SSAOs. Conversations about moving into the position are often similar to my own story, in that they too unintentionally became SSAOs. During a session at the 2007 ACPA/NASPA Joint Meeting (Hyman, Lovell & Stringer, 2007), I recognized myself as a member of the group of professionals known as “cross-overs.” We do not have graduate training specific to student affairs, but hold positions in student affairs. As a participant in the session, I asked the others present, how many of the SSAOs did not have graduate training in Student Affairs. Numerous hands went up. This is only anecdotal evidence of my observation, but various participants approached me after the session to pursue the conversation. One person informed me that she had a PhD in Anthropology and was interested to discover that other SSAOs had come from various disciplines.

Stamatakos (1981) noted a similar trend over 25 years ago. He estimated that “1200 or so ‘paraprofessionals’ assume a wide variety of student affairs positions — making their entry into the field as crossovers from faculty and staff in higher, elementary and secondary education, business, industry, the military, clergy, and so forth” (p. 106). He also observed that in-service training did not necessarily occur after entering the profession.

Entry into the profession by specializing in graduate programs is uncertain. There are programs which meet the Council for Advancement of
Standards (CAS) at the Master’s level, but I could find no evidence of any at the Doctoral Level. Komives and Taub (2000) note: “Recent study groups that considered the role of student affairs doctoral standards within CAS did not recommend any move toward a set of standards (p. 513).” And in fact they go on to recommend “Prospective doctoral students might explore either a generalist degree of higher education (perhaps with an emphasis on student development or student affairs administration) or a specialized degree in student affairs administration (likely with an emphasis on higher education administration or another developmental focus)” (Komives & Taub, 2000, p. 513).

Although, even today, there does not appear to be a consensus on how one trains to become an SSAO, there are several professional organizations dedicated to improving the expertise and training within the field. Two of these organizations are American based; the American College Personnel Association (ACPA) and the National Association of Student Personnel Administrators (NASPA) provide venues (journals, conferences and meetings) through which practitioners and researchers can enter into dialogue regarding the profession. The Canadian Association of College and University Student Services (CACUSS) offers Canadians similar opportunities. The issues these organizations broach are wide ranging. For example, it is acknowledged that higher education and the student affairs professions are influenced by societal changes such as the economy, technology, demographics, the changing dynamics and definition of family, and legislative amendments (Woodard, 1998). These influences
constantly impact the role of an SSAO and thus require the SSAO to be able to respond to ever changing situations, in a changing environment. SSAOs must meet their various and unpredictable challenges and they do this based on professional development opportunities, experience and practical wisdom. It can be difficult to demonstrate to others exactly what steps and skills are required to become a successful SSAO. These issues occupy many of the dialogues occurring amongst professionals. How do SSAOs pass on their wisdom and expertise? How are decisions made? Is there a theoretical basis to the decisions? What values or philosophical ideals do SSAOs rely on?

The Problem

Do SSAOs Make the Right Decisions? How Do We know?

This paper problematized my work and made it troubling to just keep doing it. In other words, as I uncovered inconsistencies of my own actions, and lack of directives towards decision-making, it occurred to me that the articulation and justification of my actions was necessary to continue in the role. How could I have confidence in the work I do if I could not explain and justify it? The intent of this study was to unpack the complex issues related to the judicial affairs component of the role of the SSAO and provide guidance to my practice, and perhaps to the practice of others. This process provided a deeper understanding of the decisions I made, and provided some reassurance that my work was justifiable to the university community and myself.
There are two aspects to the problem that this dissertation addressed. The first problem is the literature. Although it is replete with information about student affairs, I could find limited first person accounts of how the work is done and how decisions are made. SSAOs write very little about themselves, their roles, and how they perform them — that is there is very little research done on this field by SSAOs themselves. As noted by Saunders, Register, Cooper, Bates, and Daddona (2000) “… unless practitioners take time, in addition to their assigned work, to complete research articles or presentations, those professionals who work most closely with students will not be those who lead improvements in practice or theory development” (p. 610). The administrators in the field, who are generally called Senior Student Affairs Officials (SSAO), are more commonly the subject of observer based research.

In seeking the works of student affairs professionals I systematically searched the databases which interface through EBSCO, ProQuest, CSA, and Google Scholar. The well-known databases used were Academic Search Premier, ERIC, PsycInfo, CBCA-Education, JSTOR, Canada Theses Portal, Social Sciences Citation Index, Education Index, and Sociological Abstracts. The keywords, or search terms which found the most relevant articles and books were combinations of: student affairs personnel, practitioner, theory, decisions, ethnographic decision-making models, higher education, student affairs professional, training, development, judicial affairs, and student services. Of course author citations and linked research were of great value, as were the
reference lists in articles and books used. The journals which contain the most relevant literature are The NASPA Journal, the Journal of College Student Development (JCSD) and the Communique (CACUSS). Additionally it was noted that amongst the book publishers, Jossey-Bass was the most prevalent in related books.

There needs to be an expanded discourse amongst professionals that critically examines current practice, shares expertise and seeks opportunities to offer improvements to the profession. Generally the existing research addresses the more tangible aspects of a SSAO’s world such as their roles and responsibilities, necessary skill sets and placement on the institution’s organizational chart. Lovell and Kosten (2000) who hold the positions of Assistant Professor in higher education, and Budget and Marketing Coordinator (respectively) conducted a study synthesizing 30 years of research identifying the skills, knowledge and personal traits necessary to succeed as a student affairs administrator. The list of characteristics provided includes the core skill sets and theoretical knowledge identified by SSAOs as essential to the profession, but does not mention the need for experience, judgment or practical wisdom all of which I believe are the key foundations of a successful SSAO. Gaston–Gayles, Wolf-Wendel, Nemeth Tuttle, Twombly and Ward (2005) present an historical overview of the SSAOs roles in higher education explaining the evolution of the position from a time of in loco parentis to today’s environment of student rights. Their writing is based on various interviews with SSAOs, querying them about
their roles and the institution’s expectations; they are examining the profession from an external vista. Schuh (2002) who writes about leadership does so by questioning SSAOs from his position as a professor in educational leadership and policy studies. In another article (Schuh, 2002a) he provides a careful and thoughtful overview of the literature in student affairs starting in the 1920s. His findings suggest that these writings have been descriptive and somewhat limited, but that today’s authors should be building upon the earlier findings with a sense of appreciation for the growth the field has experienced over the past century.

Harper (2004) analyzes the work of two SSAOs as they address crises on their campus — again, he is not in the position, but writes from an outsider’s perspective. The work by Jablonski, Bresciani, Lovell and Shandley (2006) is slightly different. They were, in fact, SSAOs at the time of the publication, but rather than examining their own positions, they researched the impact of an institute designed to bring SSAOs together from around the world; their research involved the reflections of other SSAOs.

The Communique, the journal published by CACUSS offers articles written primarily by student services personnel. There is great relevance to the practice of student affairs as each issue offers a sharing of successful programming ideas and current trends impacting our institutions and students. Its reach is broader than student judicial affairs but offers a venue for colleagues to enter a shared dialogue about their profession. Typically the articles are
practice based. One such article “Why should we advocate, anyway?” written by Patterson (2001) offers opinions on why SSAOs are advocates for institutions, individuals rights and fair process; the article touches on some of the principles behind the framework developed and tested in this study; it is essential that we use our positions to ensure justice and due diligence occur in each and every aspect of our jobs. Patterson refers to this as ‘advocacy’, but I see it more as an ethical expectation of the SSAO role. It is important to note that when Patterson wrote this article she was an SSAO, expressing her views on advocacy.

Fried (2002) notes similar dilemmas occurring in Student Affairs. “The people who conduct most of the published research are not the same people as those who practice in the larger domain of our profession” (p. 123). She also notes that “the research agenda is often driven by extraneous factors [tenure] unrelated to the demands of professional practice and results are rarely field tested… After something is published in a journal the journal goes on the shelf and the same practitioners who don’t have time to conduct systematic, thorough research don’t have time to read much more than the abstract and the implications of the article” (p. 124). This sadly, is likely a true commentary on the status of research in student affairs.

It is appropriate then, that the first part of the problem this dissertation addressed was to provide person accounts of the role and decision-making process of an SSAO. “Our literature continues to evolve and, as it does, each generation of writers (and readers) owes a debt of gratitude to those who
contributed to the literature before them” (Schuh, 2002a, p. 177). The intent of this dissertation is to honour the writing of my predecessors and add my experience and knowledge to that which exists.

The second aspect of the problem is related to the first. More knowledge and writing is needed about ‘how’ SSAOs apply theories, understand issues and make decisions. We need answers to “what do they know and how do they know it? What are the ‘tools of the trade’?” In other words, what guides the decision-making process of these practitioners? Are there tools, theories, policies and/or ideals which support the actions of a SSAO? To improve practice, it is critical to create a better understanding of that practice and hence, it becomes necessary to articulate the tools, theories and ideals which guide it. “It is human work and requires professional staff members who understand both organizational and human development theory and can translate that theory into practices that enhance the educational experience and learning of students” (Sandeen & Barr, 2006, p. 67).

The profession is diverse; SSAOs are involved in leadership, conflict resolution, mediation, mentoring, advocacy and more. How does such a diverse profession address the problems this diversity brings? It would be wrong to assume that there is a singular answer.

Generally, I believe that the work of student affairs could benefit from a structure and frameworks enabling new professionals to acquire skill sets needed to perform the job, learn how to anticipate and respond to situations, and suggest
areas of intentional learning opportunities. SSAOs should be encouraged to reflect upon their practice, and share their reflections in public and scholarly forums. There will always be a need for the type of practitioner expertise gained over time but the road need not be so hard to navigate. Many cases come through the doors of SSAOs. What those cases are, and how they are addressed is not frequently the subject of research topics; most of us do not take the time to reflect on our reactions, responses and treatment of these cases. We do not write about them. Saunders et al (2000) found that there has been a significant decrease in the involvement of practitioners.

Komives (1997) speaks to the complexities of the roles and backgrounds of student affairs professionals and also of the need of practitioners to share strategies, findings and learnings in one’s practice:

Whether in practice or in preparation, in the broadest view, one needs to be, to some extent both a scholar (one interested in advancing knowledge, promoting inquiry, understanding findings, learning and sharing new strategies and approaches) and a practitioner (implementing interventions effectively, being oriented to quality service and education, effectively applying theory and research in practice). In a simplistic way, there may be a continuum (i.e., practitioner-practitioner; practitioner-scholar; scholar-practitioner; scholar-scholar) where either extreme end results in limited effectiveness. (p. 170)
The role of a student affairs professional often wanders back and forth on the extreme ends of this continuum. Being a practitioner is an all consuming role, where one finds little time to conduct or participate in research of the profession. The SSAO position, as in my own case, is frequently a limited term secondment out of faculty. Upon returning to faculty, the collective agreements facilitate research, but at that time, the profession has been left behind, leading possibly to the ‘extreme ends’ noted by Komives.

Shroeder and Pike (2001) confirm this problem stating:

… the scholarship of application has been an espoused value of the student affairs field for some time; however a relatively wide gap has emerged between this espoused value and the value in practice. It is time to bridge the gap by making the scholar-practitioner model a fundamental norm of student affairs professional practice. (p. 351)

There are gaps noted in the literature, however it is important to recognize those who have contributed. If not for the past writing, the profession would not have reached its current state of demanding more reflection and writing by its practitioners. We are urged to reflect upon and write about our practice so that we may contribute not just to a literature base, but to the improvements in practice and theory. Therefore, while the first part of the problem being addressed by this dissertation is to provide first accounts by an SSAO to the literature, the second part of the problem being addressed is to write about how I, as a SSAO, do my work — explaining which skills and what tools assist me.
Specifically I address the difficult decisions SSAOs have to make and in doing so, I propose a decision-making tool, one that I hope will contribute to improvements in practice.

**The Purpose: Developing a Decision-Making Framework**

When I began this project, there was no intention of it being a research endeavor about *my* role as a SSAO — in fact I spent a great deal of time working with and interviewing faculty in an attempt to understand *their* roles. However, through this process I came to realize that before I could truly understand the faculty I worked with, I would need to understand my own actions. How do I ensure consistent and fair treatment of students? What guides my decision-making processes. How can I assist others who face the same issues I do? What do other SSAOs do? The research into these questions revealed the problems in the literature, and the absence of an articulated Decision-Making processes in my own practice; thus, this project evolved slowly into what it has now become.

The purpose, then, of this dissertation was to bring to the literature a first person account of the complex issues addressed by me as a SSAO working in student judicial affairs and to present a Decision-Making framework, a tool, that assists me and may assist other SSAOs in making fair and consistent decisions on a daily basis and when faced with uncertainty.

**Situating Myself as the Practitioner-Researcher**

To do this study it was necessary to be both a reflective practitioner (Schon, 1983) creating an understanding about my work as a SSAO and a
practitioner-researcher (Jarvis, 1999) trying to create knowledge and understanding of my practice to effect positive change:

“Practitioner-researchers are an intrinsic part of the learning society, responding to the changes with practical knowledge that enable them to cope with the changes. Their research illustrates that in the learning society, many of the research projects need to be small, local, and practical, producing both a personal theory and information about practice” (Jarvis, 1999, p. 167). This study enabled, in fact, required me to research my own practice, to look for problems and instill change wherever needed.

Schon (1983) suggests that the need to reflect on practice arises when practice has become so mundane that it creates inattentiveness, leading to error; “when this happens the practitioner has ‘over-learned’ what he knows “(p. 61). A practitioner takes notice of such error through reflection upon his or her practice. Schon refers to this as ‘reflection-in-action’, something that may be a slow deliberate process, and may concern only parts of the practice. It is also important to note however, that practitioners may reflect on practice as soon as a problem has occurred, when they are not in a state of having ‘over-learned’. Schon suggests several ways in which a practitioner may reflect in and on his practice:

He may reflect on the tacit norms and appreciations which underlie a judgment, or on the strategies and theories implicit in a pattern of behavior. He may reflect on the feeling for a situation which has led him
to adopt a particular course of action, on the way in which he has framed
the problem he is trying to solve, or on the role he has constructed for
himself within a larger institutional context. (Schon, 1983, p. 62)

Within this study, there was a need to reflect primarily on the strategies and
theories, however the tacit norms and appreciations underlying judgment in my
practice also require reflection and articulation – it is through reflection in both
these areas that I was able to create a decision-making model.

Becoming a researcher-practitioner and a reflective practitioner was key to
understanding and improving practice and was significant in this study. The
process of reflecting and researching on my decision-making processes directed
me to developing a decision-making framework which can be applied to
situations faced by both new and experienced SSAOs. The framework may be
useful for new practitioners who have not had time to develop experience within
their role, but are none-the-less required to make decisions. I also hope that the
seasoned practitioner will be able to take advantage of the framework, not just as
a guide for their decisions, but also as an invitation to continually modify and
improve it; it is a dynamic framework which requires attention and change as
policies and/or norms within the field and institutions change.

The decision-making framework has two stages. Stage one consists of a set
of questions which are intended to help the SSAO develop a prospective course
of action when confronted with a complex issue. It uses a decision-making
process adapted from work done by Levy and Kozoll (1998). The second stage
tests the recommended course of action and is adapted from Nash (2002).

Overall, the framework was created retrospectively from the experience I have gained while working as a SSAO in student judicial affairs.

My motivation for this dissertation came from watching, almost as a spectator, the variety of issues that would arise between students or between students and faculty, accompanied by almost an equal variety of responses in attempts to address the problems. When the issues would finally be brought to my office for resolution I would be intrigued by the diversity of the previous efforts. Because these attempts had been made by a variety of individuals, there was little consistency in the outcomes, and sometimes they were in disregard of institution policy and due process. It is difficult to know all the institutional policies, relevant legislations and to ensure that due process always occurs, and yet I must endeavour to do just that. I am committed to providing consistent and fair decisions regarding all the issues that come through my door and ensuring that due process is granted to every student in a fair and unbiased manner. Creating a decision-making framework through thoughtful deliberations of the cases will help to meet this challenging commitment.

The role of a SSAO is diverse. My purpose in articulating the work I do, and developing the Student Judicial Affairs Decision-Making Framework is achieved by reflecting upon and considering only those cases which fall within the descriptor of judicial affairs, and specifically those cases which fit the categories of Behaviour, Policy and Instructor-Student Conflict. These cases and
categories are thoroughly described in Chapter II. This dissertation has therefore provided the venue in which I reflected on the judicial affairs part of my role of as a SSAO, and on my execution of this role.

**Organization of the Dissertation**

This dissertation is organized into eight chapters. In this first chapter I explained in detail what a SSAO is, the history of the position and its current status in higher education. I discussed the problem that I intend to address: “how do SSAOs make decisions and how do they know they are the correct decisions?” I then explained that my purpose was to use this dissertation as a venue to develop, refine and test a decision-making framework that could assist SSAOs as they address the day-to-day and complex issues in their practice.

The literature, which has already been identified as being limited in this field, is not presented in any one chapter as a series of arguments supporting or challenging this work, but rather can be found woven throughout the entire document.

Chapter II speaks about the study design and its implementation, qualitative research and reflection in practice. The study itself involves the development of a decision-making framework to be used by SSAOs as they deal with complex and difficult issues in student judicial affairs. Within Chapter II the reader is exposed to the various attempts and strategies I used to develop a framework that could become a useful decision-making tool.
It also involves a thorough description of the empirical materials – a log of over 1200 cases of student issues. Details of the cases, their domains and categories, and the process for maintaining such a log are provided. These cases are the foundation for the vignettes.

Chapter III, IV and V each present a different vignette derived from composites of cases illustrating the most complex and frequent issues I address as an SSAO. They originate from the categories of Violent Behaviour, Instructor-Student Conflict and Academic Integrity Policy Violations.

Each vignette is used to test the effectiveness of the decision-making framework in a progressive manner. The framework is applied to one vignette after another, with necessary improvements being made to it in between applications. The intent is to address any flaws in the framework, using the vignettes as a mechanism to reveal these flaws. The third vignette uses this refined framework which by then seems to be well suited to guide decision-making in student judicial affairs issues.

Chapter VI presents a vignette that illustrates some of the limitations of the decision-making framework, indicating where and when it may or may not be effective. It presents a complex case involving a student with mental health issues and the unpredictable consequences which sometimes ensue in such cases.

Chapter VII discusses the case record log, the credibility of the vignettes and the development, usefulness and limitations of the two-stage framework: Developing and Testing a Course of Action in Student Judicial Affairs.
And finally, in Chapter VIII, I summarize the implications this research has for my practice and perhaps for that of others. I discuss the research outcomes of this particular project, my bias as a researcher and conclude with recommendations for future research possibilities of this new instrument.
CHAPTER II: STUDY DESIGN and IMPLEMENTATION

The purpose of this research project was to articulate the work I do in Student Judicial Affairs and to develop a decision-making framework to assist both new and experienced SSAOs in their practice. To conduct this study, I reflected carefully on my practice with the intent of learning where there were difficulties and where there were successes. As a practitioner it is often difficult to articulate tacit knowledge; this creates challenges when one decides to review and describe practice with the intent of improving it. Throughout this study I have considered myself to be a practitioner-researcher and as such have been aware of the many problems that may be present (Jarvis, 1999).

I described the role of the SSAO in Chapter I and how the job has changed over the years; I presented some of the difficulties that I, and perhaps other practitioners, face and the subsequent need for a framework to help both experienced and novice SSAOs make fair and consistent decisions regarding complex and troubling student cases.

In this chapter I begin by writing about qualitative research, practitioner research and reflection. I begin this way to illustrate first, the approach taken in this study, and then the important contribution of practitioner-based research to one’s practice. It required reflection of my own work, and investigation and study of that of other SSAOs. I then describe the process of ‘how’ I conducted my study, first by presenting my exploration for a decision-making framework, followed by a description of my empirical materials. Finally, I conclude with
Qualitative Research

The methodological approach taken in this study is qualitative; it provides rich descriptions of the participants, their response and actions, and my reflections about them. These descriptions are researcher based, as are many qualitative research studies and findings, and as such will be presented from my perspective of both the practitioner and the researcher. There is an unavoidable bias in this approach, one that Le Compte and Preissle (1993) discuss:

Qualitative research is distinguished partly by its admission of the subjective perception and biases of both participants and researcher into the research frame. The subjectivities of participants are usually a major part of what investigators seek to capture in their records. The subjectivities of the researcher serve multiple purposes. (p. 92)

The value of these subjectivities is further supported by Merriam (1998) who observes that “all observations and analysis are filtered through the researcher’s worldview, values, and perspective” (p. 22). It is, of course, quite necessary that the observations are filtered through the researcher’s lenses – it would be impossible to perform a self-reflective study any other way. So instead of diminishing the concern that there will be bias, it is necessary to confirm that it must exist to perform the study. “Rather than trying to eliminate these biases or ‘subjectivities,’ it is important to identify them and monitor them as to how they
may be shaping the collection and interpretation of data” (Merriam, 2002, p. 5). What must be promised along side of the proclamation of bias however is a rich and truthful description of the actions, interactions, dialogues and articulated thoughts. I can not promise that my interpretations of the interactions are identical to anyone else’s; obviously the process can be repeated but the findings are unlikely to be exactly replicated. Instead this study is about my work, and about my ways of knowing, believing and acting. I articulate my practice and describe which processes help me make decisions in a variety of situations.

Unlike many other studies conducted in student affairs, this project is not about the students in student affairs – it is about the practitioner and the interaction of the practitioner with the teachers and the students.

Reflection

Self reflection is a process that was applied throughout this study; its usefulness has been discussed and documented by many (Schon, 1983; Jarvis, 1999; Loughran, 2006). It is essential to know oneself; Loughran (2006) states “by better knowing yourself you are more likely to know how to help others” (p. 19). He goes on to speak to the importance of understanding our practice - in his case it is teaching:

Knowing ourselves means searching for, revealing and, ‘owning’ up to the assumptions and taken-for-granted aspects of practice that quietly lurk in the depths of our subconscious but quickly surface through the ways in which we teach. Such assumptions are not always so readily
apparent to us because they are often implicit rather than intentional in our actions; observers see them in our actions more easily than we see them in ourselves. Therefore, there is a need to learn to be conscious of our assumptions and to confront them in real ways. (p. 19)

As Dewey (1933) explained it, “reflective thinking, in distinction from other operations to which we apply the name of thought, involves (1) a state of doubt, hesitation, perplexity, mental difficulty, in which thinking originates, and (2) an act of searching, hunting, inquiring, to find material that will resolve the doubt, settle and dispose of the perplexity” [italics in the original] (p. 12).

It is perhaps Jarvis’ (1999) work that best ties together the evolving thoughts around reflection, its value and its complexities. He compares two forms of practice “Impulsivity” and Reflectivity”. He explains the two forms as follows: “Impulsive practitioners, having arrived at a solution to their problem, put it into practice, and they may not trouble to reflect on it thereafter... In contrast, reflective thinkers examine the alternatives and act accordingly, regarding their actions as experiments from which they can continue to learn, so that they both reflect in the action and continue to reflect after it ...” (p. 63). Of great importance to the process of reflection is the understanding that it occurs as the result of identifying there is a problem. Jarvis (1999) describes a problem as a disjuncture. “Disjuncture occurs when there is disharmony between my constructed experience of a situation and my biography” (p. 66). In other words, if he does not tacitly know how to perform an activity and has to think to do it,
then he has a gap, or disjuncture, between his ‘know-how’ and task. He is committed to the idea that one must have a problem to produce learning; he also argues that it is important to understand successes, and to do that, one must be able to problematize success. “The ability to pose problems is certainly as important as the ability to solve them, and it is only the reflective practitioners who engage in this form of practice” (Jarvis, 1999, p. 67).

A practitioner who continually reflects on practice and problematizes both the successes and failures encountered along the way becomes what is recognized by society as an expert. “Expertise does not come naturally; it is a discipline of continually seeking improvement, which can require a great deal of effort. The experts are always operating in an experimental mode, even though their experience makes a work situation seem simple, and they adjust to changing circumstances with apparent ease” (Jarvis, 1999, p. 55). Opposed to the expert state would be ‘habitus’. This state, as acknowledged by Jarvis, is the plateau practitioners reach when they “feel comfortable in their social situations, fully socialized and experienced. That is why experienced practitioners can take their situation and their performance for granted” (p. 56). A practitioner whose habitus “the combination of their past; their own knowledge, skills, and understanding of the situation in which they function; their common discourse; and their confidence in the correctness of what they are doing” may have difficulty in advising newcomers to their field on ‘how to act’ (Jarvis, 1999, p. 57). This state of knowing can work as a disadvantage if the practitioner does not
reflect on the problems and successes of their practice if trying to mentor a newcomer. Much of the knowledge may be tacit and difficult to articulate.

Reflection remains a highly accepted method of self-study, one that Loughran (2006) both applauds and criticizes. He writes about "understanding teaching and learning about teaching." He applauds the process of reflection for students of teaching, because it makes one see a problem that otherwise may not be identified and acknowledges that the process of reflecting on the problem provides learning which otherwise would not occur: "experience alone does not lead to learning – reflection on experience is essential" (p. 131). Loughran’s (2006) main criticism of the use of reflection in teaching teachers however is that the teacher of teachers must model and make explicit the process of reflection:

If teacher educators’ reflective processes are hidden (even inadvertently) from students of teaching, if the inherent value of reflection to the teachers of teaching is not readily apparent, then it is hard to imagine how teacher education could claim reflection as a foundation stone; despite the number of claims to the contrary. (p. 97)

Reflection is purposeful – it identifies a problem, considers it, and tries to resolve it.

My practice is rife with uncertainties; there is a constant need to enquire and resolve perplexities. Reflection demands that I consider these uncertainties as I meet the challenges of the job. Reflective practice as opposed to impulsive
practice requires the practitioner to reflect prior to acting — resulting perhaps in better solutions than simply relying on past practice (Jarvis, 1999).

Schutz (1932/1967) discusses the process of understanding one's own actions and those of others as reflecting upon the ‘lived experience’. He ponders the difficulty of being immediately privy to one’s own lived experience, but determines that we can be immediately aware of that of another “If I wish to observe one of my own lived experiences, I must perform a reflective Act of attention. But in this case, what I will behold is a past experience, not one presently occurring. Since this holds true for all my Acts of attention to my own experiences, I know it holds true for the other person as well” [Act – capital in original] (p. 102).

Reflection as discussed by Schutz (1932/1967), Dewey (1933) and Loughran (2006) apparently has different objectives for each of them. Schutz is “concerned with the way in which we know other people’s lived experiences once we have postulated and taken for granted the general thesis of the alter ego” (p. xxv). We must know of our self first to understand others — and knowing others is how we come to understand the world. Loughran (2006) vouches for the legitimacy and usefulness of self-reflection by referencing the great thinkers of the past (e.g. Dewey) but also because self-reflection is necessary to understand self: “… coming to understand oneself is enmeshed in a complex web comprising (at least) experiences, episodes, images, knowledge,
culture, identity, context and beliefs” (p. 116). Loughran is praising the virtues of understanding oneself as the means to improve one’s practice as a teacher.

Silver (1986) compared the reflective approach of school administrators to that of professionals such as engineers, lawyers and doctors. Through a process of maintaining rigorous case records these professionals provide documentation on each event, as they happen and after they are complete. The documentation allows for ‘after the fact’ reflection, a review of the findings and resolutions, and perhaps most importantly “a systematic development of professional knowledge” (p. 161).

**SSAOs and Reflective Practice**

Reflection is used in a number of disciplines as practitioners strive towards bettering their practice — nursing and education are two areas well-known for their reflective curriculum. It is also appropriate, and I would be as bold to say imperative, for SSAOs to also use reflection in practice — our work impacts many. Without reflection I believe that my actions could be mechanical, methodical, and perhaps even callous; without reflection, I can not improve my work as a SSAO.

There is a highly respected collection of articles produced as a resource for student affairs educators: “*Student Services, A Handbook for the Profession*” (Komives, Woodward, & Associates, 1980/2003). Thirty separate articles, produced by 30 different authors cover the history, foundation, theoretical basis, program management, and competencies of the profession, as well as projecting
a look into the future. The content is thorough, clear and provides a comprehensive guide to the profession. Of considerable interest to this study is that only three of the authors were working as student affairs professionals at the time of publication. An additional eight had held positions in Student Affairs in the past, and the remainder taught in related fields. The authors who were SSAOs at the time of writing did not necessarily write about their own job. For example, one of the authors who was a SSAO wrote about teaching, stating that “among the most important roles student affairs professionals perform are facilitating student learning and development and supporting the educational mission of the institution” (Roper, 1980/2003, p. 466). Roberts (1980/2003), another SSAO writing in the same edited collection, offers advice to fellow SSAOs in regards to campus community; while it is a valuable resource for SSAOs facing issues of community building on their campuses it still does not offer a reflective view. Conflict Resolution is addressed by SSAO Taylor (Taylor, 1980/2003) in the edited book through a presentation of conflict resolution methods and a case study to bring the reader closer to the situation. The case study is realistic and the conflict resolution models employed are useful; this was not meant to be a reflective article so the decision-making process of the SSAO was not described to the reader. This collection of works supports my general findings in the literature — there is a tendency to focus on student needs and development instead of the ‘whys and hows’ of the actions of the SSAO in
response to those needs and very few student affairs professionals write reflectively about their role.

Reflection and practitioner-based research, two approaches to improving practice, have been applied in this study.

Exploring Models to Guide Decisions in Student Affairs

This study is an account of my role as a Senior Student Affairs Officer (SSAO). It is a personal narrative describing the conflicts, confusions and decision-making aspects of the judicial affairs component of my job. The role is not always clearly defined, and there appear to be unwieldy components to it. It is, at times, difficult to articulate the decision-making process; are decisions theory based or policy based? Or are they simply subjective, ‘this seems right’ types of calls?

In an effort to apply some rigour to the understanding of my work, I explored a variety of strategies, beginning with the possibility of applying grounded theory strategies to my stories and decisions. Glaser and Strauss (1967) presented phases of qualitative research that reflected “credibility, plausibility, and trustworthiness” (p. 223). They demonstrated means of discovering theory from “data systematically obtained from social research” (p. 2); they called it Grounded Theory.

Many, but not all of the strategies of grounded theory could be applied to this study. For example, according to Charmaz, (2003) “grounded theory methods consist of systematic inductive guidelines for collecting and analyzing
data to build middle-range theoretical frameworks that explain the collected data” (p. 249). My work was inductive; however I would not be building middle-range theoretical frameworks. Some of the steps resembled my process. Charmaz (2003) notes that strategies included collecting data while simultaneously analyzing it, integration of theoretical frameworks, and memo writing to assist in the analysis. Coding the data and then categorizing the data from which the grounded theory would be developed allows for testing and modifying the theory. This study was different. Although I carefully reviewed my practice (and that of others) in effort to better understand it, my study did not result in the building of a theory.

The exploration through the grounded theory literature guided me to Ethnographic Decision Models (EDMs). These models are “qualitative, causal analyses which predict behavioural choices under specific circumstances” (Ryan & Bernard, 2003, p. 287). Many of the same techniques used in grounded theory analysis are used in developing an EDM. The method of gathering the information is typically through ethnographic interviews. The purpose of the interviews is to ask why people behaved as they did in a specific situation. At this stage, the information gathered is considered to be postdictive – the why and how are known, and are just being recorded. The information is then organized, and presented in a decision tree for further testing. Eventually there is enough

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1 According to Glaser and Straus (1967) middle-range theories can be substantive theory developed in an area of social inquiry such as patient care, or formal theory, developed for social inquiry in an area such as formal
known information about why and how a certain group makes a decision regarding a specific circumstance to create a predictive model. The predictive model anticipates a decision based on there being the same set of conditions and circumstances as noted in the postdictive data set. Gladwin (1989) first introduced the EDM using an example of “how farmers determine if they are going to plant potatoes”. From this seemingly simple model, there evolved models that revealed when a mother would seek a remedy for her child who was ill with diarrhea (Hill, 1998), to when a college student would buy a breakfast contract (Gladwin, 1989).

“The EDMs can be displayed as decision trees, decision tables, or as a set of rules in the form of “if-then” statements” (Ryan & Bernard, 2003, p. 289). The most common form in literature is the ‘yes — no’ decision tree format which guides the researcher to another question and another ‘yes — no’ branch.

The ethnographic decision-making model was created and used by ethnographers, who had informants with behaviours exhibited in specific circumstances that the ethnographers wanted to understand and make predictions about.

Initially I thought that creating a similar model for the decisions being made in student judicial affairs would be valuable for a number of reasons. Firstly, a decision tree would ensure consistency in the decision-making process.
This would be an asset as consistency in handling students’ issues is crucial to ensure fairness, and yet frequently is not evident. For example, there is little consistency between institutions on how students’ issues are handled, and even within institutions. Policies are often created to allow, even suggest, that faculty make decisions regarding how they are applied in specific circumstances; this results in inconsistency, creating confusion and frequently the perception of unfairness amongst the recipients of the decisions (usually students). The court system is similarly unhelpful when issues are brought to them. Bostic and Gonzalez, (1999) note that “The legal relationship between students and the public higher educational institutions they attend continues to shift and change. The courts have failed to communicate a consistent, clear approach to guide higher educational administration in this important area” (p. 166). Speaking from a Canadian perspective, Hannah (2006/1996) comments on the reluctance of the courts to be involved in the internal dilemmas experienced in our institutions: “Generally speaking, the courts will restrict their role to determining whether or not an administrative decision was arrived at fairly” (p. 29). He cautions however that internal processes must be fair and unbiased: “However, in extraordinary cases, where there have been serious breaches of fairness, delays in an institution’s internal decision-making processes, or where there are concerns that internal decision-making bodies may be biased, the courts have occasionally taken a more interventionist approach, and imposed substantive decisions upon universities…” (p. 29). This caution underscores the practical
need for consistency and fairness in the decisions being made by SSAOs. Where institutions processes are flawed, universities and colleges risk their independence of operation.

Second, I felt that creating a decision-making framework would assist both new and experienced judicial affairs officers by providing direction where there was no obvious pathway or process to follow.

Thirdly, I supposed that by applying the framework to a specific case, it would be possible to then reflect upon the outcomes and re-evaluate the process to see if met the criteria of fairness and ethical treatment.

The EDM decision-making framework was somewhat helpful in providing direction to the straightforward cases; however it turned out to be too simple for the complex situations which frequently arise. The yes-no branches commonly used by those applying the EDM to their work was not comprehensive enough to provide direction to SSAOs coping with complex cases in judicial affairs. The rejection of the EDM eventually led to the framework which has since been applied to the vignettes presented in this study.

**Developing a Decision-Making Framework**

Upon rejecting the EDM method, I considered a process developed by Levy and Kozoll (1998). Their decision-making process was designed to reflect on decisions that would be made by senior administrators about various aspects of institutional direction, in regards to, for example, such issues as town-gown, union, residence, budget and student-staff relationships. They discuss the
complexities of the decisions needing to be made and some of the day-to-day logistics of decision-making such as “identifying superiors”, “determining the local context” and “considering past situations” (p. 16). They used a set of 10 questions to aid in the decision-making process (See Table 1). There is some similarity between the questions they used, the type that drive an EDM and those of Nash (2002). All three processes require that a problem is articulated, the participants identified and the facts and repercussions noted. The particular usefulness of Levy and Kozoll’s (1998) question set lies in the systematic ordering of their questions and the additional information the questions seek. It demonstrates the need for logic by starting with narrow description of the problem, and broadening to ensure all the details are disclosed and the appropriate people informed. There are some questions however, that are not required in my decision-making role. For example, the questions which require consideration of the national and state/provincial politics are unnecessary as external politics are outside the scope of my responsibilities. The question regarding consulting a superior prior to making a decision is also not required as that is not normally a necessity.
Table 1  Logical Steps in the Decision Making Process (Levy & Kozoll, 1999, p. 16)

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Define the problem.</td>
<td>What is the problem that must be addressed through a decision?</td>
</tr>
<tr>
<td>2</td>
<td>Decide on the participants.</td>
<td>Will I make the decision alone or in consultation with others? Whose opinions should I seek? Why will those opinions be so valuable? Are some of them a must? Whose opinions should I avoid?</td>
</tr>
<tr>
<td>3</td>
<td>Determine the background.</td>
<td>What parameters already have been set that limit or guide me toward a decision?</td>
</tr>
<tr>
<td>4</td>
<td>Find the facts.</td>
<td>What information do I or should I have about those who are involved and/or will be affected by this decision? What information, in particular, must I have to make a sound decision?</td>
</tr>
<tr>
<td>5</td>
<td>Determine the local context.</td>
<td>To what extent, if any, should I consider environmental factors such as political climate or economic status when making this decision? Are these environmental factors strictly local or national ones?</td>
</tr>
<tr>
<td>6</td>
<td>Consider the consequences.</td>
<td>Will my decision have only a local impact, or a ripple effect in the state or beyond? To what extent, if any, will this decision set a precedent?</td>
</tr>
<tr>
<td>7</td>
<td>Set a time frame.</td>
<td>How much time do I have to spend on this decision, or should I give it?</td>
</tr>
<tr>
<td>8</td>
<td>Identify superiors.</td>
<td>With whom should I check my decision, out of desire or requirement?</td>
</tr>
<tr>
<td>9</td>
<td>Consider past situations.</td>
<td>What alternatives that have been used in previous situations should I or can I use when selecting the one I will use this time?</td>
</tr>
<tr>
<td>10</td>
<td>Predict repercussions.</td>
<td>What immediate and long-term consequences should I attempt to predict? What could be the worst-case scenario that should be considered, if one or another course of action is chosen?</td>
</tr>
</tbody>
</table>

In addition to a logical question set, I was also seeking a model that would provide a justification process for a tentative decision. While Levy and Kozoll’s (1998) model does provide questions regarding repercussions, it does not completely attempt to justify the decision. For that purpose I turned to Nash’s work.
Nash (2002) developed an ethical decision-making framework to develop and justify or defend a course of action when confronted with moral dilemmas. His two step process requires a series of case-specific questions presented in a format called the “Third Language Moral Brief” followed by a justification model he calls “The Third Language Justification Schema” (p. 129). The justification schema is a ‘final check’ prior to enacting the decision. The “Third Moral Language” as described by Nash (2002) refers to a language that includes ethical principles and rules in a secular pluralist society. Its use is to guide a decision maker through an ethical dilemma involving participants of disparate moral principles. The potential decisions are subjected to the schema resulting in a justifiable or defensible outcome in the case. Some of the questions, although directed towards moral issues, are similar to those by Levy and Kozoll (1998). Nash’s questions require that a problem is defined, the ‘actors’ are identified and the consequences of the decision are considered through the application of relevant principles and rules (See Table 2: Third Language Moral Brief). His justification schema demands reflection and analysis of the case and its outcomes. It is this latter part of the process which is of most interest in this study (See Table 3: Third Language Justification Schema). The limitations of Nash’s work in regards to this study are that the specificities of student judicial affairs are not addressed.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Why is this case a moral dilemma?</td>
</tr>
<tr>
<td>2</td>
<td>What are the choices in conflict?</td>
</tr>
<tr>
<td>3</td>
<td>Who are the morally relevant actors?</td>
</tr>
<tr>
<td>4</td>
<td>Where does the action take place? Is the “where” morally relevant?</td>
</tr>
<tr>
<td>5</td>
<td>When does the action take place? Is the “when” morally relevant?</td>
</tr>
<tr>
<td>6</td>
<td>How is the manner or style of the action morally relevant?</td>
</tr>
<tr>
<td>7</td>
<td>What are some foreseeable consequences of each decision?</td>
</tr>
<tr>
<td>8</td>
<td>What are some foreseeable principles involved in each decision?</td>
</tr>
<tr>
<td>9</td>
<td>What are some viable alternatives?</td>
</tr>
<tr>
<td>10</td>
<td>What does the code of ethics say?</td>
</tr>
<tr>
<td>11</td>
<td>What is your decision?</td>
</tr>
</tbody>
</table>

---

2 Nash offers the term Third Language as a means to discuss ethical issues in a secular pluralist institution through the application of principles, rules and theories. From “‘Real World’ Ethics: Frameworks for Educators and Human Service Professionals,” by Nash, (2002).
Table 3  Third Language Justification Schema (Nash, 2002, p. 129)

<table>
<thead>
<tr>
<th></th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What is your decision A? What is your decision B? (A and B are neutral designations, for the sake of analysis only, and not a rank ordering).</td>
</tr>
<tr>
<td>2</td>
<td>What rules do you appeal to in order to justify (support, give reasons for) each of the decisions?</td>
</tr>
<tr>
<td>3</td>
<td>What principles do you appeal to in order to justify each of the decisions?</td>
</tr>
<tr>
<td>4</td>
<td>What theories do you appeal to in order to justify each of the decisions?</td>
</tr>
<tr>
<td>5</td>
<td>What conclusions do you reach regarding your final decision after you compare both justifications?</td>
</tr>
<tr>
<td>6</td>
<td>What afterthoughts do you have now that you have made your final decision?</td>
</tr>
</tbody>
</table>

These question sets were influential in this study. Levy and Kozoll (1999) formulated their questions based on feedback they had received from their informants, SSAOs at fifteen American institutions, and from the literature. The questions are logical and progressive. However, they focus more on the business and political aspect of decision-making than I have, and less on the implications of location, policies and laws. Their question set, on its own, is insufficient to test one’s decision although they do refer to consequences. Nash’s (2002) moral brief and justification schema direct the reflection necessary to ensure that the decision has been thoughtful, fair, and deliberate; the course of action can be justified to those impacted at the time, and in the future. Their applicability is purposively directed to moral dilemmas and therefore limited in it direct usefulness to issues in student judicial affairs.

Both question sets (Levy & Kozoll (1999) and Nash (2002)) were the starting points for the framework I developed as a decision-making tool in student affairs. The end result varies considerably from these two sources, but I
would like to credit them here as providing, in part, a foundation for my two stage decision-making framework.

To move forward in developing a decision-making framework for student judicial affairs, each one of the questions from Levy and Kozoll (1999) and Nash (2002) was carefully considered in the context of my role and subsequently modified to become a good fit for student judicial affairs. Their directives and my questions differ somewhat. For example, before I begin to decide on a course of action, I must determine that I have jurisdiction over the case. This requires learning what happened, and ensuring that students were involved during an institutional related event. After that has been ascertained, then at least two options are considered for resolution. Levy and Kozoll (1998) assume that they have jurisdiction, and while concerned with repercussions, their model primarily identifies a process of decision-making, rather than justification of their decision.

Nash’s (2002) framework addresses moral dilemmas whereas the one I propose requires consideration of the students’ rights and responsibilities and the well-being of the institution. However, the intentional justification of the decisions in Nash’s (2002) framework is useful and appropriate in student judicial affairs.

And finally, the difference between Levy and Kozoll’s framework (1998), Nash’s framework (2002) and mine is that I have divided the decision-making portion of the possible course of action and the justification of that decision into two distinct processes: Developing a Course of Action (Table 4) and Testing the Recommended Course of Action (Table 5); Levy and Kozoll (1999) combine the
decision and rationale into one process and Nash (2002) considers the moral
dilemmas of the situation and decision in one process, then reconsiders the moral
rules, theories and principles which guided the decision in a second process. The
result of my framework is that through a careful process there is a recommended
course of action that is ‘tested’ prior to the action occurring. Similar to Nash
(2002), I conclude with ‘afterthoughts’ or reflections of the decision.
Table 4 Developing a Course of Action (1st draft)

<table>
<thead>
<tr>
<th></th>
<th>How did the case get presented?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The urgency of developing a course of action may vary depending by whom and how the case comes forward, and whether or not anyone’s safety is at risk.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Why is the case relevant to student judicial affairs?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Jurisdiction for determining a course of action should be established early in the process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Who are the participants?</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Where did the events of the case arise?</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which differ from those of the institution.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>When did the events of the case occur?</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Some consideration should be given to when, within the academic term, the student the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Which internal policies, codes or guidelines, if any, are relevant to this case?</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>The course of action must comply with, or be supported by, internal policies codes and guidelines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Which external policies, codes or laws, if any, are relevant to the case?</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>What courses of actions are possible?</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Consider at least two possible courses of action, their sanctions and remedies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>What course of action is recommended?</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>What are the primary reasons for selecting the course of action taken?</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action selected.</td>
</tr>
</tbody>
</table>
Table 5 Testing the Recommended Course of Action (1st draft)

<table>
<thead>
<tr>
<th></th>
<th>Will the recommended course of action violate any principles of procedural fairness?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Will the recommended course of action create an undesirable precedent?</td>
</tr>
<tr>
<td>3</td>
<td>Are there any students who are disadvantaged by this course of action?</td>
</tr>
<tr>
<td>4</td>
<td>Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?</td>
</tr>
<tr>
<td>5</td>
<td>Will the course of action negatively impact the integrity of the program or the institution?</td>
</tr>
<tr>
<td>6</td>
<td>Will the course of action negatively impact the reputation of the institution?</td>
</tr>
<tr>
<td>7</td>
<td>Will the course of action advantage me or my office in any way?</td>
</tr>
</tbody>
</table>

Note: If the answer is “yes or maybe” to any of these questions, then this may be considered a potential ‘flaw in the proposed decision’ and another course of action may be needed and/or further analysis required. For all questions, a rationale for the response must be provided.

Once the decision has been made, and the course of action tested, there is still one more reflective step to take. Some thought should be given to the decision – was it the decision that seems the best, ‘feels right’? And finally, if the ‘Test of the Course of Action’ shows a potential flaw in the decision, then alternate decisions must be considered and the process repeated.

The Study Design

The intent of this study was to develop, test and refine a decision-making framework for SSAOs working in student judicial affairs. This was achieved by
developing a two phase framework which was repeatedly tested for its effectiveness by applying it to vignettes. Each rendition of the framework is labeled as a draft, until the final version is presented. The first phase “Developing a Course of Action for Student (1st Draft)” (see Table 4) poses ten questions; the responses to these questions provide information about the issue, options for a course of action and the final proposed decision(s). The second phase “Testing the Recommended Course of Action (1st Draft)” (see Table 5) requires reflection on the process, outcome, its impacts and consequences before arriving at the final recommendation for action.

Because this study was designed to develop a decision-making framework, the reader will be guided through three renditions of the framework as it became honed during the testing and refinement process.

I constructed four vignettes; each one is a composite created from actual cases which have been addressed by the Office of Student Affairs over a six year period. The stories, the issues and their outcomes are reflective of the actual cases, but are written so that none of the players are identifiable.

The first vignette (Cultural Issues and Student Life: The Newcandans) is presented in Chapter III. The framework is used to arrive at a decision regarding sanctions for the students involved in the incident. The framework is then critiqued and revised as necessary. Chapter IV presents the next vignette (Instructor-Student Conflict over Practicum) and again the framework is applied, critiqued and revised. Chapter V presents yet another vignette (Plagiarism and Group Work) and the framework is used to arrive at a resolution for the students.
involved. It is then subjected to one more final revision and is then presented in the Chapter VI as the refined and recommended framework. Because of the variety of issues that come forward to Student Affairs, there are instances, when this finely tuned Framework may be less effective — limited by uncontrollable variables; an example of such an instance is found in Chapter VII (Scary Behaviours).

The framework was not further refined after the third vignette. At that point in its development the questions were effective and not found lacking in regards to making and justifying a decision. However, it must be understood that this framework is a work in progress. The issues and concerns that SSAOs face continually change as a result of the changes in society and the impact on education. Local context is crucial in determining if the question sets are relevant. There will always be a need to critique and refine this framework to ensure its applicability.

**Empirical Materials**

There is an assortment of methods a qualitative researcher may use to collect ‘empirical materials’.

3 Some of the methods noted by Denzin and Lincoln (2003) include “interview to direct observation, the analysis of artifacts, documents, and cultural records, and the use of visual materials or personal experience” (p. 37).

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3 “*Empirical materials* is the preferred term for what are traditionally described as data” (italics in original) (Denzin & Lincoln, 2003, p. 41).
In this study, I have used personal experience, direct observation and analyses of documents from my workplace as the sources of data for this study.

**Personal Experience**

As the sole manager of student affairs in my institution, I have documented, reviewed and addressed over 1200 cases during the past six years. I was responsible for ensuring that each case received consistent and fair treatment. It is because of this experience as the manager of student affairs that I am able to reflect upon and consider my decisions as I create a framework which captures the key elements of my past actions.

**Direct Observation**

I have been in the position to observe a variety of situations and to consider the impact of my decisions. I have observed the actions of the students, the faculty and the senior administration as issues occurred and resolutions were recommended and usually (but not always) reached. I have also observed the changing trend of the types of cases which occur on the campus. For example, over the past several years and since 9/11, we have moved towards an atmosphere of risk and threat assessment in an effort to prevent incidents from occurring; this is a substantive change from the previous approach of disciplining an offender after the incident. The cases filed in the Case Record Log provide the documentation of the incidents, the issues, the resolutions and the appeals.
The Documents and Their Analyses

When Denzin and Lincoln (2003) describe the collection and analyses of empirical materials (p. 37), they speak of the collection of qualitative materials as ‘documents’. Within this study, and as per Denzin and Lincoln’s descriptors, the documents are the cases maintained in the case record logs. Reflection on practice through the use of case records is a practice adopted by a variety of professions (medicine, psychiatry, engineering, law and education). Among the researchers supporting the value of using case records for the purpose of improving practice is Silver (1986):

Case records are the essence of reflective practice…Once case records have been written and filed, they are accessible not only to their individual authors and close colleagues but to the research community within each profession. They represent a body of data created by the practitioners themselves in the course of action. (p. 162)

The data source used for this study consisted of 1256 individual case records addressed by the Office of Student Affairs from December 11, 2001 through to September 20, 2007. These cases are maintained in a Case Record Log (Appendix A) as confidential, individual records each with identifiers of the student involved, the problem encountered and the resolution achieved. The number of cases I address in my practice continually increases — however no cases addressed after September 20, 2007 are part of this study.
The cases were placed into 22 categories. These categories provide the institution with an overview of the incidents which were occurring on the university campus; occasionally cases overlap two categories (for example attendance and instructor conflict), however the dominating feature of the case determined where they were actually placed. The categories are then assembled into six domains for the purpose of institutional responses to growing trends or problems.

Institutionally, the analyses of documents can be used for such things as creating services to meet changing needs. For example, the data collected by the Office of Student Affairs was used to support the counselling department’s request to hire a mental health counselor by providing statistics demonstrating an increasing number of students recorded in the Mental Health Category. It was also used to provide a rationale for adding a fall mid-semester break — a significant increase in recorded cases in the Personal Stressors and Behaviours Domains during the month November reflected an increase in stress levels among students and faculty. It is predicted that a break will alleviate some of that stress. Additionally, the information can be used to analyze past practice and suggest best methods for future practice. The focus of this study is to provide this analytical insight to past and future practice and create a decision-making process based on past practice.
Case Categories

Cases are placed in categories based on the event, the type of behaviours and the players. The categories are grouped in domains for the purpose of jurisdiction. Although the domains are of less importance (than the categories) in this study, they are useful within the institution as they can indicate systemic problems. For example a spike in the Institutional Services Domain could impact student engagement and retention which would be of interest to the Chief Enrolment Officer. For the most part, this study will focus only on the categories.

Table 5 lists the categories and their domains, plus the number of cases. The order in which the categories appear on the table and in the following descriptions simply reflects the increasing frequency of the cases.

Open Learning

Recently Thompson Rivers University was designated by the provincial government as the new home for the BC Centre for Open Learning. The centre functions as a separate division from the face-to-face operations within the institution; policies are not fully merged and many processes remain distinct. The database reports nine cases from Open Learning – these cases have not been dispersed into the other categories and sub-categories because as of now, the resolution of those issues rests mainly with the Open Learning Division. They are listed on Table 5 however, because although no action was required on the part of the Office of Student Affairs, they were brought forward for consultation purposes and as such became part of the case log. The case log represents all
cases which were presented to the Office of Student Affairs during the study period.
<table>
<thead>
<tr>
<th>Domain</th>
<th>Category</th>
<th>Number of Cases</th>
<th>Percentage of Total</th>
<th>Category Totals (%)</th>
<th>Vignette #1</th>
<th>Vignette #2</th>
<th>Vignette #3</th>
<th>Vignette #4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Learning</td>
<td>N/A</td>
<td>9</td>
<td>.7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td>9</td>
<td>.7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional Services</td>
<td>Student union</td>
<td>6</td>
<td>.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Food, library services</td>
<td>7</td>
<td>.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Residence</td>
<td>20</td>
<td>1.6</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Program &amp; course</td>
<td>28</td>
<td>2.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Registrar and admissions</td>
<td>36</td>
<td>2.9</td>
<td></td>
<td></td>
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<tr>
<td>Sub-Total</td>
<td></td>
<td>97</td>
<td>7.7</td>
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<td>Personal Stressors</td>
<td>Medical withdrawal</td>
<td>11</td>
<td>.9</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Disability</td>
<td>14</td>
<td>1.1</td>
<td></td>
<td></td>
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<td></td>
<td>Financial</td>
<td>17</td>
<td>1.3</td>
<td></td>
<td></td>
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<td></td>
<td>Mental health</td>
<td>48</td>
<td>3.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Student emergency</td>
<td>72</td>
<td>5.7</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Sub-Total</td>
<td></td>
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<td>12.9</td>
<td></td>
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<tr>
<td>Behaviours</td>
<td>Harassing</td>
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<td>3.3</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Inappropriate</td>
<td>72</td>
<td>5.7</td>
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<tr>
<td></td>
<td>Violent</td>
<td>182</td>
<td>14.5</td>
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<td></td>
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</tr>
<tr>
<td>Subtotal</td>
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<td>23.5</td>
<td></td>
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<td></td>
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<tr>
<td>Instructor-Student</td>
<td>Learning contracts</td>
<td>4</td>
<td>.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Instructor conflict</td>
<td>128</td>
<td>10.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grades</td>
<td>207</td>
<td>16.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td>339</td>
<td>27.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 6  Case Categories – Continued

<table>
<thead>
<tr>
<th>Domain</th>
<th>Category</th>
<th>Number of Cases</th>
<th>Percentage of Total</th>
<th>Category Totals (%)</th>
<th>Vignette #1</th>
<th>Vignette #2</th>
<th>Vignette #3</th>
<th>Vignette #4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy</td>
<td>Examinations</td>
<td>13</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Academic probation</td>
<td>16</td>
<td>1.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student appeals</td>
<td>41</td>
<td>3.3</td>
<td></td>
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<td></td>
<td>Attendance</td>
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<td>Academic integrity</td>
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<tr>
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**Institutional Services**

Five different categories are grouped under Institutional Services: Student Union, Residence, Food & Library Services, Programs and Courses, Registrar & Admissions. These cases are grouped together because they frequently require an institutionally coordinated response to the issue.

**Student union.** The student union complaints typically do not get addressed by the Office of Student Affairs. Those that do are brought to Student Affairs because they require a coordinated response from various offices such as the Student Union, the Finance Office and an outside agency (e.g. transit, insurance company, the city).

**Residence.** The residences at TRU are not owned by the institution. They are managed and operated by two separate businesses — however each residence hall has its own code of conduct which complies with that of the
university. The Office of Student Affairs has an ‘arms length’ relationship with
the residences and has minimal influence over the decisions that each residence
makes regarding student conduct. The Office of Student Affairs is involved when
a student has committed a crime, or caused injury to another student and an
official University response is required.

Food and library services. The cases relating to these services deal with
such things as hours of operation and availability of equipment such as
microwave ovens. Usually they are dealt with by the provider, but when
students are not satisfied with the outcome the concerns are brought forward to
the Office of Student Affairs.

Program and course. These cases relate to concerns which are either
interdisciplinary or unique. For example, a Fine Arts student whose religion
condemns public nudity was unable to participate in a large part of a
compulsory course which required producing a drawing of a nude model. The
student requested an alternate assignment based on religious grounds; the
approved course outline stipulated that this was a required component of the
course, with a significant portion of the entire grade coming from this project. A
resolution was not forthcoming. The Office of Student Affairs assists in cases
such as this by ensuring individual’s rights are respected and helping the
program area to protect the integrity of their curriculum while exploring various
resolutions.

Registrar and admissions. These cases often arise from students who have
been denied admission to a program — the cases are usually related to fairness
and process. One outcome of a number of students’ complaints regarding admissions into a specific program was a review of that program’s processes; the review revealed that indeed the process was not transparent, and could be perceived as unfair. It was subsequently revised and no further complaints arose regarding the program’s admission processes.

**Personal Stressors**

Four categories make up the Personal Stressors domain: Medical Withdrawal, Disability, Financial, Mental Health Issues, and Student Emergency. They are grouped together because the student has suffered a medical or financial trauma and the resolution of the case involves a coordination of services outside of Student Affairs (Counselling, Disability Services, Financial Aid and Awards, Community Mental Health, Physicians, Family, and RCMP). For example a student who suffers from a mental illness may act inappropriately both in class and in the community. If the behaviour is troublesome the RCMP and Kamloops Mental Health may be involved. If this leads to the student being hospitalized, the student may require a medical withdrawal, which may have an impact on his or her student loans, and subsequent financial status. The Office of Student Affairs is able to coordinate the supports for the student.

**Medical withdrawal.** A student who experiences trauma or illness (physical and mental) may request a medical withdrawal. Additionally, medical withdrawals may be granted to students who become overwhelmed due to a disability, stress, and anxiety or family illnesses.
Mental health. Students with mental health issues are usually seen directly by counselling. However, sometimes a mental health condition has not previously been diagnosed, or has not been disclosed to the university. In these situations, if the student behaves in an abnormal manner the Office of Student Affairs is notified. Whenever a mental illness is suspected, the counselling department is advised and either invited to meet jointly with the student, or the student is referred to counselling. Some of the types of behaviours seen and reported to the Office of Student Affairs are: self harm (cutting, threats of suicide), paranoia, erratic behaviour, extreme mood swings, failing grades (due to the inability to cope with the topic, instructor or classmates) and self disclosed homicidal thoughts. Complaints about students with behaviours related to mental health illnesses generally come from the instructor and classmates.

Disability. Students with disabilities who either have concerns themselves, or create issues in their classroom are usually taken care of by Disability Services. Occasionally a dispute may not reach resolution and is brought to the Office of Student Affairs. An example of such a dispute may be a faculty member who has refused to provide an accommodation, or who questions an accommodation. Such a dispute typically occurs when the faculty member has not been given sufficient information regarding the accommodation, or the student has been remiss in providing the information in a timely manner.

Student emergencies. A case is deemed to fit into this category if either the student or a family member has had an emergency or trauma. Usually there has been a death in the student’s family, or a serious accident or illness to the
student or to a family member. Students who are reported missing or die are also included in this category. There are different resolutions for students who are the victim of an emergency; they range from medical withdrawals to accommodations including but not limited to exam, test and assignment exemptions or deferrals.

**Financial.** Many of the stressors that students experience are related to their financial situation. Some students are eligible for emergency loans and bursaries, and all are eligible to receive food from the Student Food Bank. In addition to emergency relief, students are also counseled on financial management, and assisted in finding employment.

**Unacceptable Behaviours**

Three categories are included in this domain: Harassing, Behaviours which are Non-Violent but Worrisome, and Violent. They are all considered unacceptable as they interfere with a person’s right to study and work in a safe environment, free from harassment and violence.

**Harassment.** Usually harassment cases are referred to the Harassment Prevention Office or the Campus Security Office. In the case where a student’s behaviour towards another (student or faculty) interrupts classroom activities the Office of Student Affairs is involved, often as the first step. Campus Security and the Harassment Prevention Office include Student Affairs in all cases where a student’s behaviour requires institutional disciplinary sanctions.

**Violent behaviour.** Cases fit into this category if there have been assaults, fights, threats, threatening behaviours, stalking, damage to property, aggression,
carrying weapons, abusive language (written or oral), pornography, selling illegal drugs, and other activities causing harm. The incident may be between students or between student and faculty, staff or administrators. Usually campus security is the first contact for these cases which are then referred to the Office of Student Affairs.

**Inappropriate behaviour.** Students who fall into this category exhibit behaviours which disrupt classroom activities but are neither violent nor harassing. An example would be a student who refuses to put away his or her computer or cell phone, and thus disrupts the class, the instructor, and teaching. Students in this category are usually administered a behaviour contract that details the troublesome behaviours, and the consequence if the behaviours are not stopped.

**Instructor-Student Conflict**

Three categories fall within this grouping: Learning Contracts, Instructor Conflict and Grades Disputes.

**Learning contracts.** This small category is important to the students placed in it. These are students who are unsuccessful in a variety of courses, across two or more disciplines. There is no conflict with the instructors, or grade disputes — instead there are multiple factors which prohibit the student from being successful. A Learning Contract is seen as a support tool, and an intervention, focusing on student success. For example, a student who has poor study habits or organizational challenges would be invited to set up a learning contract which outlines the challenges and then offers firm guidelines to overcome these
challenges. It should be noted that Learning Contracts are often administered to students whose cases fall into other categories however the students in this category have no cross-over to those categories. In other words, the four cases listed here did not originate in other categories.

**Instructor conflict.** Instructor-student conflicts come from either party. Instructors will complain about student behaviours when it is disrupting their teaching, or is unusual, and the students will complain about their instructors when they are dissatisfied with their grades, course delivery or teacher behaviour. The Office of Student Affairs acts as a policy resource for both sides and attempts to find resolutions. The role is similar to an ombuds office where the effort is to ensure that policy is being applied fairly. The Office can make decisions regarding students, but can not discipline faculty. Sanctions against faculty are implemented by the Dean’s Office and the Department of Human Resources. The non-disciplinarian approach may be responsible for the perception that faculty and students report that it is usually viewed by both sides in a dispute as a safe and fair place to bring issues.

**Grade dispute.** This large category reflects the growing number of student-instructor conflicts over grade assignments. These cases did not go to appeal, but instead were resolved in the Office of Student Affairs, usually with several parties involved (student, instructor, chair, dean). The resolutions would include such things as re-grades, extensions, learning contracts, and, rarely, change of instructor.
Policy Cases

Five types of cases fall into this domain. Cases and issues which clearly are policy related are included here: Examinations, Academic Probation, Student Appeals, Attendance, and Academic Integrity.

Examinations. Students who miss exams, have scheduling issues or other related complaints will usually take their concerns to their instructor. When a compromise is not reached the Office of Student Affairs and/or the Registrar’s Office is consulted.

Academic probation. Students on academic probation are usually taken care of by the probation office. When the student is challenging the status, the Office of Student Affairs is occasionally involved.

Student appeals. Appeals occur regarding marking, type of assignments, exams versus teaching content, and general dissatisfaction with the course. Occasionally an appeal is related to policy applications not specifically associated with grades. An appeal indicates that all previous resolution attempts have failed – it is the last internal recourse that either a student or an instructor has in a dispute.

Attendance. This category includes cases in which students are continually absent, have exceeded the maximum number of allowable absences or have violated the institutional attendance policy. Most of the violations in this category occur in the trades’ programs and are not usually controversial as the apprenticeship model is fully integrated in the programs. When the violation
comes from a non-trades class there may be a dispute between the instructor and the student as they debate what are ‘allowable absences’.

**Academic integrity.** Students who violate the academic integrity policy are reported to the Office of Student Affairs. Frequently the student disagrees with the allegation and the dispute is presented to the SSAO to ensure the policy is followed and due process occurs. Many faculty members are reluctant to bring cases forward and express both anger and disappointment toward the student involved.

**Conclusion**

The design and implementation of this study required a careful review of qualitative research, reflection, the work of SSAOs and the importance of practitioner based research to influence and improve practice.

The aim of the study was to develop, test and refine a decision-making framework for SSAOs, one that also provided a test of the course of action that SSAOs chose. The framework had to be applied to cases to test its effectiveness, and hence a data source of cases was required. The available data source was a case record log of over 1200 cases, collected over a six year period during my role as an SSAO. For institutional tracking purposes, the cases were always placed into domains and categories; the same groupings were used in this study and were presented to illustrate increased frequency of occurrence of each type of incident.

Analyzing actual cases for reviewing process and practice is appropriate and useful. Protecting the identity of the participants is essential and ethically
expected. Therefore to make use of the Case Record Log while maintaining anonymity, composite cases (vignettes) were constructed for the categories described above. These composite cases, or vignettes, provide realistic scenarios — ones that any SSAO may reasonably expect to encounter.

The following chapters present four vignettes and their resolutions. The first three were created from the case record log categories which held the greatest number of cases: Violent Behaviour, Grade Disputes with Instructors, and Academic Integrity Policy issues. The fourth vignette was created from the Mental Health category; while this category represents a smaller percentage of the cases addressed by the Office of Student Affairs, it contains some of the most troublesome, complex and difficult to resolve cases. The Decision-Making Framework is applied to each vignette and is reviewed for its effectiveness in suggesting a defensible potential course of action. After each of the first two vignettes, the Decision-Making Framework is revised before being applied to the next vignette. In this fashion, the Decision-making Framework is successively honed until the end of the third vignette when final revisions are made to it. At that point, although it is considered to be in its most refined and useful form, I suggest that there may still be instances when this framework will be limited — an example of that type of situation is provided in the fourth vignette.
CHAPTER III: VIGNETTE 1—CULTURAL ISSUES and VIOLENCE

This chapter presents the first of four vignettes and its resolution. It has been created from the previously described Case Record Log, and is drawn from the category of Violent Behaviours. I begin the chapter with a short précis of the story that is to follow. The précis is what I learn about a case in the first few minutes — it is the exited and incomplete response to “what happened”. As in real life, the précis is never complete, and requires further investigation.

Next, I present the background to the case to set the context and then finally I present the entire case, retrospectively, with all the known information. As the purpose of this study is to test the decision-making framework, I then apply each stage of the framework. A preferred course of action option is developed and recommended by using the ‘Developing a Course of Action’ questions (Table 4). The preferred option is then tested by applying the second stage of the framework ‘Testing the Recommended Course of Action’ (Table 5) to it. The option is tested in a hypothetical sense; because the vignette is a composite of actual cases, and because the test occurs prior to implementing the option — the test reflects what could happen in my institution in the circumstances described in the vignette. The chapter concludes with a critique of the framework and suggestions for refinements to its next version.
Case 1: The Newcandans

The archeology students had been on an overnight fieldtrip when the incident occurred. Jake and Doug — new immigrants to Canada— fell into a heated argument about ineffective leadership in their homeland. Classmates separated the two students, but not before Doug threatened Jake with “pain and even death”. The next day, Jake found an anonymous note on his windshield telling him to ‘watch his back’.

Background

Many universities and colleges are actively marketing to international students. The shortage of post-secondary institutions in the targeted countries combined with attractive programs in Canadian institutions mean that the student population in our institutions is changing and is becoming increasingly diverse. This diversity is welcomed and provides positive experiences and learning opportunities for all students and faculty. Occasionally, however, the newness of culture creates a lack of understanding of actions and interactions. These misunderstandings can lead to perceived or actual policy violations, confrontations and disagreements; disregard or ignorance of Canadian laws and institutional policies leads to conflicts and problems. The issues usually arise between the international students, but sometimes conflicts are intercultural. In all cases, the problems, fights and violations come to the Office of Student Affairs for resolution.

The students involved in this case are part of a culture, set apart from mainstream Canadian culture by its religious customs and ‘old country’ social expectations. The parents and families of these students are influential in their
everyday thinking and have great respect for university education; however they have little regard for authority. For the purposes of this study, this group has been given its own cultural name: Newcanda. The Newcandan students are usually first generation university students; their parents have not attended university. Some of the Newcandans are domestic students, born here, some are on student visas and others are newly landed immigrants. English is their second language, with their native language being spoken at home. They live in a matriarchial society with persisting customs, regardless of their birthplace.

Education is important for the women in their culture, and up until recently has been less significant for the men. A growing interest in university degrees for the male members of the society has created jealousy between families, and a sense of competition. There is a great deal of change occurring to the social norms, creating uncertainty and anxiety among the young people; these tensions are portrayed in the university as mistrust, arguments and fights.

The Events

The situation being presented here occurred between 2 young men, Jake and Doug, who were attending their first year at TRU; both were in the same cohort program which meant all their classes were taken together. Jake’s family had immigrated to Canada, but Doug’s had not and he was classified as an international student. Both students lived in residence. The families of these two students knew each other in their home-country, and had an uncomfortable
relationship as a result of political disputes. Their mothers had been political rivals at one time.

The students had been on an overnight field trip for their archeology course when the incident occurred. There had been a discussion about the cultural norms of the society their class had been studying — this triggered a debate about matriarchal societies. The discussion was lively, but controlled until Jake made a derogatory comment about the ineffectiveness of some of the leaders he had known in his home country. Because Doug’s mother had been a recent political leader, he understood this to be a direct insult to his family and was instantly inflamed. In his anger he yelled at Jake threatening to cause ‘pain and even death’ to Jake’s family. Some of the students in the group restrained Doug, while others took Jake into another area in an effort to de-escalate the situation. Both students were eventually calmed and they retired to their respective rooms for the evening.

The students all returned to the classroom the following day. Doug and Jake sat on opposite sides of the room exchanging glares, but did not speak. Two days later, Jake appeared in my office concerned that he and his family were in danger from Doug. He said that Doug was staring at him, would sit in the parking lot in his vehicle and watch Jake as he got in his car, and he also felt that some other people from his country were involved in what he felt were intimidation tactics. An anonymous note telling him to ‘watch his back’ was found on his car’s windshield.
Developing a Course of Action

This purpose of this section is to develop a course of action for the SSAO to implement to resolve the incident presented in Vignette 1. The framework previously presented (see Table 3) is applied and each question is carefully considered and answered. In a later section within this chapter, the framework will be critiqued and revised where necessary.

1. How did the case get presented?

The urgency of developing a course of action may vary depending on who and how the case comes forward, and whether or not anyone’s safety is at risk.

Jake, one of the students involved in the argument, came into my office to report the case. He stated he had been threatened and intimidated. The case arose because of a dispute between the two Newcandian students; their culture is set apart from mainstream Canadian culture and the institution has limited understanding of their values.

2. Why is this case relevant to student judicial affairs?

Jurisdiction for determining a course of action should be established early.

This case was relevant to student judicial affairs because there was a conflict between students and the potential for physical violence existed. My duty as the SSAO was two-fold. Immediately, I needed to consider the possibility of harm to Jake, his family, and other members of the university’s community. The second aspect of my role was to thoroughly investigate the situation, and consider all sides of the confrontation. These two processes allow for a threat/risk assessment to be determined, and a decision on possible disciplinary actions.
3. Who are the participants?

It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.

Jake

Jake is a landed immigrant; in his home country, his mother used to be a politician. He is a first year university student pursuing his Bachelor of Arts degree, living in on-campus housing. Normally he is quiet and calm, and is very respectful and loyal to his family. There were no previous incidences reported of his involvement in any sort of conflicts.

Doug

Doug is an international first year student from the same home country as Jake. He comes from an affluent family; his mother recently completed her term as a prominent politician. He lives in on-campus housing, but is very homesick. He feels out of place and has little patience for Canadian laws and the University’s policies.

Witnesses

The witnesses to the conflict were Jake and Doug’s classmates, and their instructor. The students were all first year students.

Other Involved Parties

Dean of the Faculty of Arts

An incident such as this always includes the Dean, the senior most administrator in the student’s faculty. The Dean would be advised of the
situation and any pending disciplinary action. If a student is to be suspended, normally the Dean is involved in writing a letter recommending the action to the President.

The University President

Under the Universities Act, only the President can suspend a student. To ensure fairness and to prevent bias, the President is not involved in a case until such time as the student is recommended for suspension or exclusion from campus.

Cultural Expert

The University had no advisors from Doug’s and Jake’s home country and this was the first year we had Newcandan students studying with us. We had no understanding of their culture, conflicts and the potential for serious violence. A local citizen had emigrated from their home-country several years ago. She was familiar with both Canadian culture and their culture. She was consulted to provide an understanding of the event which had occurred and to assist with a threat assessment and a resolution.
Testimonies

Jake’s Testimony

When Jake appeared in my office he described the situation as being similar to being back in his home-country, having to watch his back and not trust anyone. He felt unsafe. He described the argument as being unexpected. He said he was not talking about Doug’s mother and her term as leader, that he was just speaking generally. When I asked him how many leaders their country had in the last 10 years, he reluctantly said just one, Doug’s mother; he then angrily provided the information that his own mother had run against her and had lost, but that she was a much better leader. There had been numerous serious conflicts back home, which was one of the reasons his family had decided to immigrate. His family missed their home-country, and was resentful of feeling pressured to move. Several other families who were supporters and friends of Jake’s family from their home-country lived close by; they were all aware of the situation and were watching carefully what the university would do ‘to Doug’ to ensure this stopped.

Doug’s Testimony

Doug’s testimony was similar to Jake’s. He said that he was obligated to protect his mother’s name, and he deserved an apology from Jake for what he said. He continued to explain that the two families had been feuding for a long time. By the time they realized they were both attending TRU it was too late for either one to change their plans. I asked Doug what he meant when he said ‘pain
and even death to Jake’s family’. He said that in his country, people took care of their families, and if his family was going to be insulted, he would make sure that stopped. I asked him about the note on the windshield; he said he did not write it.

Witnesses’ Testimonies

There were several students who watched the argument evolve. They had been surprised by the escalation of the discussion into an argument. One student recounted Doug saying “I can cause pain and death to your family”, while another recalled Doug saying “I know people who can cause pain and death”. All of the witnesses felt that Doug had over reacted and his words were said in anger. They did not feel any sense that the threat was going to be acted on. The class instructor was similarly unconcerned; he had taught for many years, and felt that debates and discussions were the norm. He did not consider the ‘pain and death’ threat to be anything more than bravado.

4. Where did the events of the case arise?

Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which differ from those of the institution.

This incident occurred off campus, but during a university sponsored event. As such, it is clear that all university policies and behaviour codes apply to the incident.
5. When did the events of the case occur?

Some consideration should be given to when within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.

The incident occurred during a field trip, and during a class discussion. The fact that it was during a class activity means that the classmates and the Instructor and Dean will automatically be involved.

There is some urgency in addressing this case, as it is not immediately clear if the threat can and will be carried out. The threat assessment process must be initiated quickly, and concurrent with putting measures in place to ensure that Jake and the rest of the community members are safe.

6. Which internal policies, codes or guidelines, if any, are relevant to this case?

The course of action must comply with, or be supported by, internal policies codes and guidelines.

There is one draft policy, one behaviour statement and two policies which guide the direction that the resolution to this case might take, in addition to provincial legislation governing universities:

TRU has a draft Student Behaviour Code of Conduct which has not yet been made public. Its processes have become practice — however they act only as a guide for my actions. For example, behaviours which cause harm to others are not tolerated; the discipline is determined by the type and severity of harm,
the location of the incident and the potential for future harm to TRU students or the community.

Statement of General Conduct (see Appendix D) is concerned directly with student conduct. Point number 2 states “TRU prohibits any acts by students attending TRU, or by anyone else, which might cause injury to any person(s) or damage to TRU property” (TRU Calendar 2007-2008, p. 16).

The Harassment Prevention Policy (ADM 06-0) (see Appendix E) must also be considered during the deliberations of this case. The policy encompasses students and staff, and the jurisdiction extends to activities both on and off campus. Harassment covers many aspects regarding treatment of individuals, however it is defined in part as “such treatment that has the effect or purpose of seriously threatening or intimidating a person” (Thompson Rivers University Policy on Harassment Prevention, 1998). The intention of the harassment policy is education, not discipline, so often the cases where discipline of students will be required, are referred to Student Affairs.

Of more significance is the TRU Debarment of Students Policy (ED-07) (see Appendix F) which states, amongst other things:

“Accordingly, it is expected that students will behave towards TRU staff, fellow students and members of the community in a manner consistent with the goals and professional demeanor of an educational institution. This includes demonstrating a respect for legitimate rights and freedoms of others (Thompson Rivers University Debarment of Students Policy, 1994 review date).
Under the University Act (Government of British Columbia, 1996), “The president has power to suspend a student and to deal summarily with any matter of student discipline” (Chapter 468, Part 11, 61 (1)). If a student’s actions are such that his/her behaviour is not acceptable under TRU policies, a recommendation for suspension is sent to the President for his consideration; in most cases, this recommendation goes forward jointly from the Dean of the student’s program area, and from the Office of Student Affairs.

7. Which external policies, laws or codes, if any, are relevant to this case?
All federal and provincial laws supersede institutional regulations. However, sometimes policies and codes of practicum sites and other student placement locations do not apply.

External policies, laws and codes support the university’s internal policies. For example, the University Act cited above defines the President’s power to suspend a student. The Harassment Policy complies with the Canadian Human Rights Act and the Human Rights Code of British Columbia, and all of our actions comply with Criminal Code of Canada. Additionally, we ensure that principals of natural justice are followed and as well as the Freedom of Information and Privacy Act.

Of considerable interest to this case is the need to perform a threat assessment. It is against the law to utter threats, but even so, charges are seldom laid unless the threat has been assessed as real, and the victim is willing to bring the charges forward. Because it pertains to this case, it is important to include the definition of a threat and the threat assessment process. This process and definitions presented in this next section originate from a report that the FBI was
tasked to do following the Columbine High shooting incident (O’Toole, M. (nd)).

It is therefore very relevant to occurrences in an educational setting.

**Threats**

Threats are defined as “an expression of intent to do harm or act out violently against someone or something. A threat can be spoken, written or symbolic— for example, motioning with one’s hands as though shooting at another person” (O’Toole, nd, p. 6). In understanding and assessing threats, it is important to know both the type and the level of threat.

*Types of Threats*

Assessing the level of threat requires training and resources and is outside the purview of this dissertation. However, four different types of threat are defined in the comprehensive document compiled by O’Toole (nd) and commissioned by the FBI following the Columbine School shooting incident. These threats as defined in the O’Toole document (nd. p. 7) are:

- **Direct threat.** Identifies a specific act, target, and method. (e.g.) ‘I am going to place a bomb in the school’s gym’.

- **Indirect threat.** The plan and target are vague, as are other aspects of the threat. (e.g.) ‘If I wanted to, I could kill everyone at this school’. Violence is implied, but is phrased tentatively.

- **Veiled threat.** Implies but does not explicitly threaten violence. (e.g.) ‘We would be better off without you’. This hints at violence, but different meanings can be interpreted.
Conditional threat. Used in extortion (e.g.) If you don’t pay me..., I will place a bomb in the school.’

Level of Threat

Knowing if a threat is imminent, and poses a risk to public safety and the victim is important in threat assessment. According to O’Toole (nd), the following levels are defined in an effort to assist in threat assessment (P. 8):

**Low level of threat.** This level poses minimal risk to the victim or public. The threat is vague, indirect and lacks realism.

**Medium level of threat.** A medium level may not appear entirely realistic, but it could be carried out. There may be vague indications of preparedness or limited consideration regarding how the threat may be carried out. There may be a connection to a book or a movie, or a sense of seriousness on the part of the person making the threat.

**High level of threat.** This threat does pose imminent danger to others. It will be direct, with means and knowledge about how and where the threat will be carried out.

Threat Assessment

The levels of threats as defined above help determine plausibility and can be used as guides during the assessment. For example if someone threatens to shoot another person, but has no access to firearms, then there is a low risk of the threat being carried out. The emotional state of the person uttering the threat must be considered as well as any means the
person may have. Any threat which is considered medium to high level is responded to by the institution. Usually the RCMP is also involved.

8. What courses of action are possible?
Consider at least two possible courses of action, their sanctions and remedies.

Because safety is a concern, the courses of action can only be recommended after a threat assessment is performed. Therefore Step 1 in this part of the process is to perform a threat assessment. The information gained in the threat assessment will be considered in the recommendations for a course of action.

Step 1: Perform a threat assessment

The students were from a culture that accepted various forms of threats and intimidation as a norm; we did not know if carrying out the threats was also a norm. As an institution we were unprepared for these behaviours; we had no expertise in it, no advisors from the students’ home-country, and no ability to accurately conduct a threat assessment. For example, if a Canadian student said he could cause pain and death, we would rate this as a “veiled and low level threat” (see definitions) which was unlikely to be carried out, but required further watching and some form of discipline. If a student from a Latin American country made this statement, we would interview the participants, and although we would continue to monitor the students for skirmishes, we would acknowledge that such words were frequently just bravado; we would see this as less than a veiled threat. We would advise the students of the inappropriateness
of threatening others, of the criminal code regarding threats, and other related policies. Repeated offences would carry more severe discipline.

However in the case of Newcandans we did not have enough expertise to assess the threat based on American/Canadian threat assessment practices. In cases such as this, expertise from community members is sought. We invited a local citizen who was from the students’ home-country to provide advice and explanations for what had occurred. We learned from the cultural expert that in their home-country there were many violent conflicts, and that the type of threat uttered by Doug was often meaningful. However, the Newcandans who left their country did so to avoid such conflicts, and to learn how to live peacefully. The citizen suggested she meet with the students and their families to discuss Canadian laws and differences from their own culture. She also advised that we make sure the message gets out ‘loud and clear’ that any and all fights and forms of violence are unacceptable. In spite of her beliefs that Newcandans were here to avoid conflict and live peacefully, she was still concerned that Jake and his family were in danger. As a result of her advice, I rated the threat towards Jake and his family, at a medium level indirect threat. It was felt that there was potential for harm and that any actions could result in retaliation from Jake.

**Step 2: Hold meetings with Doug and Jake**

Both Doug and Jake would be individually required to attend a meeting in the Office of Student Affairs to discuss possible courses of actions.
Options for Courses of Action

**Option 1** – Both students could be suspended for fighting

**Option 2** – Doug could be suspended and Jake could be put on a behaviour contract

**Option 3** – Neither student would receive a suspension and both could be put on behaviour contracts

**Option 4** – Doug could be put on a behaviour contract and Jake could have no disciplinary consequence.

**Option 5** - No disciplinary consequence for either Doug or Jake would be administered.

### 9. What courses of action are recommended?

Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered.

I would recommend that Doug should be suspended and Jake should be put on a behaviour contract (Option 2).

In the meeting that would occur to advise each of the students of the recommended course of action, I would advise Doug that uttering threats is a criminal offence in Canada and that intimidation through any measures was not acceptable at TRU. He would be informed that his actions had violated the Harassment Policy and the Behaviour Statement and was such that the Debarment Policy would be applied. He would be immediately excluded from campus by the Health & Safety Office and would await further contact from the
Office of Student Affairs and/or the Office of the President. He would also be informed that should he wish to contact anyone at the university (students or staff), he would be required to make that contact through the Office of Student Affairs. I also would suggest that he meet with the community member we had consulted to help understand expected behaviours and norms in Canada. As Doug was an international student, his student visa could be impacted by a suspension and thus his international advisor would be involved throughout the process.

If the President suspended Doug for one semester it would result in him being in a different cohort than Jake. Because the term was only one semester, his suspension would not impact the terms of his student visa.

The discussion with Jake would have two foci. First as I was concerned with his safety. I would advise him to contact the RCMP regarding the threats and possibility of harm. A careful review of the safety measures on campus would be provided by campus security (security phones, safe walk program) who also would issue him a special parking permit allowing him to park close to the buildings where his classes were held.

The second aspect of the meeting with Jake would be more disciplinary in nature; the community advisor had warned that there could be on-going and escalating disputes between Jake, Doug and their families. Therefore, Jake would be required to meet with the community member to learn about the behavioural norms in Canada, and would be advised that taunting others or inciting violence...
was a violation of the institution’s behavioural expectations and could lead to disciplinary consequences. He would be given a Behaviour Contract (See Appendix C) which would stipulate he was to avoid all contact with Doug; he must not taunt or incite others to violence against Doug, and must follow all of the institution’s policies. His Behaviour Contract would conclude with a statement that warned of further disciplinary action including suspension should the terms of the contract be violated.

10. What are the primary reasons for selecting the course of action?
Consider all the reasons, including timing, relevant policies, laws, codes and the type of incident, for the course of action selected.

Safety concerns dominated the decisions regarding the course of action. Following the threat assessment, and with the help of the Cultural Expert, I determined that the threat was plausible. To de-escalate the situation it was important to immediately separate the two students involved, and ensure that future conflicts would not occur. As Doug was the student who uttered threats, it was appropriate that he should be suspended. Upon return to campus, he would be placed on a behaviour contract which would assist him in following the behavioural expectations of the university.

The second reason for recommending the course of action to suspend Doug and put Jake on a behaviour contract was to ensure that polices of the institution, and provincial codes and laws were respected. Although Jake did not press charges, we were still obligated to provide a learning space free from intimidation and harassment for him and other students.
The reason for recommending a behaviour contract for Jake and not suspending him was because he had not caused a threat, and was not considered to be a safety issue. However, it was obvious that he had incited the reaction in Doug by his comments, and thus the behaviour contract he would be given would warn him that any future such incidences would result in further disciplinary sanctions.

**Testing the Recommended Course of Action**

Prior to implementing the course of action it is important to ensure that the principles of procedural fairness would be adhered to and to anticipate the potential impact or repercussions of the decision. The second stage of the framework ‘Testing the Recommended Course of Action’ (see Table 5) is designed to create a careful and intentional examination of the recommendation. Each question looks for errors or flaws in the course of action being proposed. If the answer is “yes” or “maybe” to any of the questions, then this may be considered a flaw in the recommended course of action and an alternate recommendation or further analysis may be required. For all questions a rationale for the response must be provided.

At this point, I want to remind the reader that while the vignette is a composite of cases the recommended actions and their outcomes are hypothetical. When I applied the test, I considered what could have happened at my institution.
1. Will the recommended course of action violate any principles of procedural fairness? (See Appendix L).

No. Both students would be afforded the rights of procedural fairness. They would be advised of the concerns, given the opportunity to present their side of the story, and treated in an unbiased manner. The right to appeal would be made available to both students, had they wished to be given further consideration.

2. Will the recommended course of action create an undesirable precedent?

No. This course of action creates a desirable precedent. Recognizing the need and value of bringing in a cultural expert to assist with the resolution and teaching about cultural norms is useful and preventative of further issues arising. Also the fact that the threatener (Doug) would be suspended supports the various institutional policies which have no tolerance for such behaviours; had there been no recommendation of suspension, then a precedent would have been set, one that allowed threatening behaviours.

3. Are there any students who are disadvantaged by this course of action?

Yes. Doug could perceive that he was being disadvantaged. The suspension will delay his academic progress and put him in a different cohort than his friends. If he voices his concern, he could chose to not appeal the decision.
4. Is there any potential harm in taking this course of action to either those directly or indirectly involved or to the community at large?

Possibly. I acknowledged during the resolution that there was still need for Jake to take precautions. The process attempts to minimize the risks as much as possible through the threat assessment, and the use of a cultural expert. Any alternative decision would likely escalate the possibility of harm. For example, if neither student received a suspension and both were put on behaviour contracts (Option 3) then the two students would continue to be in the same proximity as each other, and the discipline would not match the severity of Doug’s actions. They could both perceive that threats are allowable both by the institution and Canadian Law.

5. Will the course of action negatively impact the integrity of the program or institution?

No. The decision reinforces the integrity of the institutions policies and student behaviour expectations.

6. Will the course of action negatively impact the reputation of the institution?

No. The institution’s reputation is unaffected by this decision, as it will be perceived as taking a safe, fair and culturally sensitive approach to the situation.

7. Will the course of action advantage me or my office in any way?

No. Neither my office nor I personally will benefit from this course of action.
Final Thoughts

What are my thoughts now that the final course of action has been determined and tested?

I think that the support of the Cultural Expert is invaluable. It potentially avoids an escalation of violence, and teaches us better how to work with Newcandans. I am not certain about Jake’s outcome. It is possible that he too should be suspended as it is likely the incident would not have occurred without his comments. It is because of the uncertainty that a less severe course of action was chosen for Jake. When I have doubt about a disciplinary consequence, unless safety is a known concern, I think it is fairer to act in favour of the student. So in this case, Jake is given a more lenient disciplinary consequence as a result of this uncertainty.

Did the “Test of the Course of Action” reveal any flaw in the decision?

According to the criteria regarding the ‘Test of the Course of Action” a response which is not clearly a “No” could indicate a flaw in the decision. Careful review of the questions which answered “Yes” or “Possibly” is indicated at this point.

Question 3: Are there any students who are disadvantaged by this course of action?

This question was answered “Yes”, but in spite of the response, it is still evident to me that the decision was fine. It is very common for a student to feel justified in his or actions, and defensive about the disciplinary consequence
being administered. Regardless of Doug’s possible position on this, for safety
reasons, it is necessary to have him removed from campus and the remaining of
the semester’s activities.

**Question 4: Is there any potential harm in taking this course of action to either
those directly or indirectly involved, or to the community at large?**

This question was answered “Possibly” in regards to creating potential
harm to the community at large through this resolution. It is not possible to
know exactly what the consequences of decisions may be, so it would be
irresponsible to state that no harm would occur. The resolution, however, was
created in effort to diminish harm and de-escalate the situation.

Overall the “Test of the Course of Action” indicates that the final decision
is appropriate and fair; it offers an opportunity for de-escalating a volatile
situation and will remain as the final decision.

**Critique of the Framework**

This section reviews and critiques the two frameworks (‘Developing a
Course of Action’ and ‘Testing the Recommended Course of Action’) applied to
the Vignette.

**Developing a Course of Action — Critique.**

This framework is being developed in retrospect. As such, I am aware of
what information must be gleaned from the questions asked. In this vignette,
there were two occasions where I realized that I needed to offer more in the
answer than the questions appeared to ask. To address this concern, it became
obvious that I needed to revise question 1 “How did the case get presented?” and question 2 “Why is this case relevant to student judicial affairs?”

**Existing question:**

1. **How did the case get presented?**
   
   The urgency of developing a course of action may vary depending on who and how the case comes forward, and whether or not anyone’s safety is at risk.

**Critique of question:**

The SSAO needs to record ‘who’ brought the case forward — this is important for follow-up purposes. The wording needs to be changed to emphasize this.

**Suggested new question:**

1. **Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?**
   
   The urgency of developing a course of action may vary depending on who and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage.

**Existing question:**

2. **Why is this case relevant to student judicial affairs?**

   Jurisdiction for determining a course of action should occur early in the process.

**Critique of Question:**

Most of the response to this question centred on harm, and yet the question itself did not ask about harm. In the event that other SSAOs are also responsible for performing a Threat Assessment, the question should include a reference to this to ensure it is not missed in the process.
Suggested new question:

2. Why is this case relevant to student judicial affairs?

Jurisdiction for determining a course of action should occur early in the process; the potential for harm should be investigated and a threat assessment initiated if appropriate.

Testing the Recommended Course of Action - Critique

In the original framework (Table 5), there were seven questions followed by the opportunity to comment on whether or not the decision ‘felt right’, and then, almost as an afterthought a simple note advised that new actions may be required if the ‘Test’ revealed any flaw in the recommended course of action. This information is important and as such I realize that it should be included in the framework. Therefore two questions are added to the framework for this next draft:

Question 7: Are there any other factors that should be considered before a course of action is taken?

Question 8: Did the course of action reveal any flaw in the decision?
### Table 7  Developing a Course of Action (2nd draft)

<p>| | |</p>
<table>
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| 1 | **Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?**  
   | The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk.  
   | Documentation of names, dates and verbatim accounts is important at this stage. |
| 2 | **Why is this case relevant to student judicial affairs?**  
   | Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate. |
| 3 | **Who are the participants?**  
   | It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants. |
| 4 | **Where did the events of the case arise?**  
   | Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution. |
| 5 | **When did the events of the case arise?**  
   | Some consideration should be given to when during the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career. |
| 6 | **Which internal policies, codes or guidelines, if any, are relevant to this case?**  
   | The course of action must comply with, or be supported by, internal policies codes and guidelines. |
| 7 | **Which external policies, codes or laws, if any, are relevant to the case?**  
   | All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply. |
| 8 | **What courses of actions are possible?**  
   | Consider at least two possible courses of action, their sanctions and remedies. |
| 9 | **What course of action is recommended?**  
   | Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered. |
| 10 | **What are the primary reasons for selecting the course of action?**  
    | Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected. |
## Table 8  Testing the Recommended Course of Action (2nd draft)

<table>
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<th>Question</th>
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<tbody>
<tr>
<td>1</td>
<td>Will the recommended course of action violate any Principles of Procedural Fairness?</td>
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<tr>
<td>2</td>
<td>Will the recommended course of action create an undesirable precedent?</td>
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<tr>
<td>3</td>
<td>Are there any students who are disadvantaged by this course of action?</td>
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<tr>
<td>4</td>
<td>Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?</td>
</tr>
<tr>
<td>5</td>
<td>Will the course of action negatively impact the integrity of the program or the institution?</td>
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<tr>
<td>6</td>
<td>Will the course of action negatively impact the reputation of the institution?</td>
</tr>
<tr>
<td>7</td>
<td>Will the course of action advantage me or my office in any way?</td>
</tr>
<tr>
<td>8</td>
<td>Are there any other factors that should be considered before a course of action is taken?</td>
</tr>
<tr>
<td>9</td>
<td>Does the ‘Test of the Course of Action’ reveal any flaw in the decision?</td>
</tr>
</tbody>
</table>

**Note:** If the answer is “yes or possibly” to any of these questions, then this may be considered a potential ‘flaw’ in the course of action and another course of action may be needed and/or further analysis required.

For all questions, a rationale for the response must be provided.

Revisions to the Developing a Course of Action for Student Judicial Affairs and to the Testing of the Course of Action are presented in Tables 7 and 8 as the 2nd draft. Changes from the previous draft are bolded. The questions in these tables will be tested on Vignette 2 — Practicum Grade Dispute, in the following chapter.
CHAPTER IV: VIGNETTE 2 — PRACTICUM GRADE DISPUTE

Chapter III presented the first of four vignettes. A resolution of the issues was attained by applying the first stage of the decision-making framework — Developing a Course of Action, and then testing the recommended resolution through the application of the second stage — Test of the Recommended Course of Action. The chapter concluded by critiquing both stages of the decision-making framework. Subsequent to the critique, the framework was revised and presented in Tables 7 and 8 as the second draft.

This chapter presents the second of four vignettes and its resolution. As with the first vignette, it is a composite of cases, created from the case record log (Table 6), but this case is drawn from the Grades' category. The background of the case is presented, and then both stages of the second draft of the decision-making framework are applied: Developing a Course of Action (Table 7) and Testing the Recommended Course of Action (Table 8). As with Chapter III, this chapter will conclude by critiquing the framework and making suggestions for revisions to it.

There is, however, a difference in the course of action being developed and tested in this vignette— as the SSAO, I facilitate the appeal process, recommend it as a possible course of action when it is appropriate to do so, and closely monitor it for procedural fairness. This vignette involves the Appeal Committee, its actions and recommendations, and as such, it is the recommended course of action proposed by the Appeal Committee that is tested.
Case 2: Practica Disputes

Agnes was in her final practicum experience when she was dismissed from the program by the practicum review committee. She had pushed a student who then fell and hit her head during an angry exchange in front of her practice-teaching class. Agnes disagreed with the dismissal claiming she had not received fair treatment.

Background

Grades are frequently queried by students; however disputes are normally resolved between the students and the instructor. When a resolution is not reached, then the internal institutional processes direct the case to the department Chair, the Dean, and eventually to the Office of Student Affairs.

One area where grade conflicts are common and complex is in a practicum or field placement situation. Most universities and colleges have several programs with these experiential requirements. In all practicum placements, there are clients to be considered. The clients may be children, youth, adults or animals, and they may range from children in a typical classroom to persons with severe disabilities. Regardless of who or what the client is, there is an element of risk in having a student work in the field; the supervising instructor is responsible for ensuring that the student can put theory into practice with minimal supervision, while simultaneously ensuring that no harm comes to the client. A successful practicum experience is integral to all such programs and a failure in the practicum often means the student is removed from the program. Additionally, it is often difficult to find enough placements for practicum
students, and if a student is particularly troublesome, or creates a risk for the client, the hosting institution may discontinue its affiliation with the university negatively impacting the entire program.

This case involves a student, Agnes, in the Bachelor of Education Program (Secondary). Agnes is a single mom, with two children in elementary school. She secured financing through an educational line of credit from her bank, and entered the program as an enthusiastic learner.

The program consists of course work, plus four practica sessions. The first two practica sessions are half days spread out over two semesters. The third practicum is three weeks long in semester three, and the final practicum is ten weeks in length and occurs during the fourth and final semester. Agnes was a good student, and was successful in her academic courses.

Her first practicum experience went extremely well. Her teacher mentor praised her ability to link theory and practice, and applauded her work ethic. She was comfortable teaching the mini lessons to the Grade 11 students, and quickly gained respect of the staff and the students.

Her second practicum was also successful. This time she was placed in a Grade 8 class and although she found it more difficult to control the class, she still arrived prepared with lesson plans, and was able to deliver the lesson in the allotted time. Her teacher mentor coached her in strategies to deal with the grade level, and by the end of the practicum she had once again achieved the respect of the students and the staff.
Her third practicum with a Grade 9 class was less successful. It was longer, occurred in September and was in a school located in a different school district. Prior to leaving for school each day, she had to deliver her children (age 6 and 7) to a friend’s home where they would be picked up by the school bus. Occasionally the children would delay her departure, causing her to arrive late at the school. Because she had previously held a flawless evaluation, her faculty mentor, Dr. Dee, was reluctant to act upon the complaints regarding her lateness that he received from the teacher mentor. He was certain that once routines were established Agnes would start performing up to her previous standards. The teacher mentor was too busy to follow-up with Dr. Dee; she ignored the tardiness and scheduled Agnes’ teaching times for later in the mornings. Agnes’ final report was less positive than the previous ones; the teacher mentor checked off ‘no’ in the box on the evaluation form which asked if a student was punctual, but did not discuss it with Agnes or with Dr. Dee.

The final practicum was held during the last semester of the program. The expectations of the final practicum are greater than in the first three. More independence is expected and a heavier teaching load is gradually assigned. Usually a teacher candidate is placed with the same teacher mentor as in the third practicum allowing for continuity for both the students and the teacher candidate. In Agnes’ case however, one of the Grade 10 teachers, Mr. Ross, had specifically requested a teacher candidate for his classroom and Agnes was thus assigned a new teacher mentor.
Agnes still had not remedied her lateness issues, and because they had not been discussed in her previous evaluation she was unconcerned; however, her new teacher mentor, Mr. Ross was not empathetic. After the first week, he met with Agnes and advised her that he expected her to be taking over the home room duties, and teach the first class of each day. Agnes scrambled to make other arrangements for her children and managed to be on time all week. Part way through the third week, she received a call from her son’s principal saying her son had fallen in the playground and was being taken to the hospital. Agnes left the school and met her son at the hospital where he was being treated for a broken arm. The next morning, it took longer than usual to get her children out of the door, and Agnes was late for homeroom class again. Mr. Ross was also late, assuming that Agnes would be there. The students complained to the Principal’s office and Agnes was reprimanded; Dr. Dee was advised and decided to meet with Agnes at the end of week three.

Agnes was having difficulty preparing her lessons and managing the life of a single mom with a child with a broken arm. She managed to get to the classroom on time, but seldom had enough of a lesson planned to make it through the assigned classes. The students began to challenge her authority and she became more and more irritable. One of the female students, Belinda, was repeating the course that Agnes was teaching. In the previous year Belinda had been suspended for fighting on two occasions, had skipped several classes and subsequently failed several of her grade 10 classes. She was annoyed that her friends had moved into grade 11 and was frequently disruptive, rude and angry
in the classroom. Her mood swings were extreme and on any given day, it was hard to know how she would respond to her classmates and her teachers.

On Thursday of the third week of her practicum placement, Agnes arrived at the classroom a few minutes before the bell; she had decided to give the students a pop quiz. When Agnes announced the quiz, Belinda leapt up and stormed to the front of the room yelling at Agnes. Agnes yelled back and when Belinda approached, she pushed her away. Belinda stumbled over a backpack, falling and bumping her head. Belinda was not seriously injured, but she was very angry. She got up, stormed out of the room and proceeded towards the Principal’s office. At the end of the class, Agnes collected the quizzes and the students left for their next subject. As she was collecting her materials she looked up to see the Principal, Mr. Bent accompanied by the teacher-mentor, Mr. Ross and the faculty mentor, Dr. Dee coming through her doorway. She was advised that they were recommending to the Dean, Dr. Doris that she be immediately terminated from the practicum. She would be advised of a meeting with the Practicum Review Committee to discuss her case.

In all cases of possible termination of practicum, the case is brought forward to the Practicum Review Committee. The Office of Student Affairs does not sit on this committee, so it is their decision that will determine if the SSAO must take action. In this case, the SSAO was aware that the Practicum Review Committee would be meeting.

Agnes’s concern was heard by the Practicum Review Committee. They reviewed only one weekly report provided by the Faculty-Mentor and the
Teacher-Mentor, and listened carefully to Agnes’ story about Belinda. The Teacher-Mentor had provided an overview of the incident as he perceived it, and the Faculty-mentor supported the Teacher-Mentor’s story. There was also a report from the RCMP stating that allegations of assault had been filed by Belinda, but were unsupported and no charges were being laid. Although the committee considered Agnes’ personal situation, they determined that she needed to be removed from the practicum as she had obviously violated the BCTF’s Code of Ethics, Rule Number 1 “The teacher speaks and acts toward students with respect and dignity and deals judiciously with them, always mindful of their individual rights and responsibilities” (Appendix K). She also had contravened the BCCT Standards of Behaviour ((BC College Of Teachers, May 2004) that states “professional educators ensure the physical safety and intellectual and emotional security of children” (p. 11). The committee was concerned about future harm towards Belinda and other children and felt that they were obligated to prevent her from re-entering the classroom.

**Developing a Course of Action**

In this section I test the second draft of the decision-making framework by applying its first phase — Developing a Course of Action — to an issue which commonly occurs in practica situations. As in the previous chapter, I will critique the framework and present refinements at the end of this chapter.
1. Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?

The urgency of developing a course of action may vary depending on who and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage.

The case was brought to the Office of Student Affairs independently by Agnes, the Teacher-Candidate, and the Dean of the University’s Department of Education. The events have been described in the introduction; there is no known persisting safety issue. There was an incident between Agnes and the high school student, however there were no threats uttered.

2. Why is this case relevant to student judicial affairs?

Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate.

This case is relevant to student judicial affairs for two reasons. First, Agnes, a university student feels aggrieved on several counts. She did not agree with the decision of the Practicum Review Committee, stating that she had never received an interim report alerting her of any difficulties, and that because the charges had been dropped she felt she was being treated unfairly.

The second reason this case is relevant to student affairs, is that it is possible that disciplinary sanctions may be levied as physical altercations with others are not tolerated — this situation would be investigated by the Office of Student Affairs which would then administer appropriate disciplinary sanctions.
A threat assessment is not necessary. Threat assessments are normally conducted when a threat has been uttered — in this event, there was no threat, just an argument, triggered by a pending quiz.

3. Who are the participants?
It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.

Teacher Candidate  (Agnes)
A university student, on practicum, who is enrolled in the Bachelor of Education, teacher education program

Faculty Mentor (Dr. Dee)
A University faculty member assigned to supervise the teacher-candidate. The faculty mentor is expected to support the teacher candidate and to act as a liaison between the teacher candidate and the teacher mentor. He is expected to facilitate meetings with both the teacher mentor and the teacher candidate to provide feedback on the teacher candidate’s progress. The faculty mentor and the teacher mentor collaborate on the final practicum grade.

Practica Coordinator (Dr. Thomas)
The university administrator who assigns placements for the teacher candidates and is responsible for all administrative support for the teaching practica.

Education Department Chairperson (Dr. Kenny)
University Faculty member assigned departmental administrative duties.
Dean (Dr. Doris)

Senior Educational Leader and Administrator for the University’s School of Education — has the authority to terminate a student’s practicum.

High school Student (Belinda)

A high school student in Agnes’ practicum classroom

Teacher Mentor (Mr. Ross)

A teacher in the high school to whom the teacher candidate (Agnes) is assigned. The teacher mentor is expected to provide workload, supervision and feedback to the teacher candidate, as well as participate in evaluation conferences with the teacher candidate and the faculty mentor.

Principal (Mr. Bent)

The senior most high school administrator who may assist the teacher candidate in understanding the school philosophy, as well as providing guidance in dealing with difficult students.

Testimonies

Testimony of Teacher Candidate (Agnes)

Agnes was desperate to stay in the program and graduate. She said that if she could not graduate she would lose custody of her children to their ‘no-good father’, she would not be able to repay her line of credit and that everything she had been working for her entire life would go ‘down the drain’. She felt she had
been mistreated, not supported by her faculty mentor and that she deserved a second chance.

She told me she felt the termination was unjustified, and she was not clear why she was being terminated. She had not yet received anything in writing formally telling her she had been terminated, nor had she received an interim report. She pondered the cause of her dismissal. Was it because she had been late so much? If so, she had clearly addressed that issue and had not been late the entire week. She wondered if maybe it was because she had done poor lesson planning. She had tried on several occasions to meet with her teacher mentor, but he was too busy, so had preceded on her own, feeling confident that she knew what to do; she had received excellent reviews up until now. I asked her if she felt that pushing Belinda was a problem. She was surprised by my question, stating that Belinda was well known as the school bully and that her actions were in anticipation of being hit. She said she had felt intimidated by Belinda since her first day.

**Testimony of Faculty Mentor (Dr. Dee)**

Dr. Dee was only vaguely aware of any of the problems that Agnes was experiencing. He had readily agreed to the switch in the teacher mentor as she had achieved good evaluations up to that point in time and he was confident in her ability to adapt to a new class. He had noticed that there was a notation on her previous evaluation regarding tardiness, but had not been concerned with it.
Other teacher mentors had similar difficulties in their practica. Mr. Ross had not presented any concerns relating to Agnes prior to this incident.

He was however committed to the BCCT Professional and Ethical Standards — in fact he had insisted they be reproduced in the Student Program Handbook so that teacher candidates could model their behaviour after them. The first, and in his mind, the most important standard related to the value and care of children: “Professional Educators: ensure the physical safety and intellectual and emotional security of all children” (BC College Of Teachers, 2004, p. 11). The secretary that had told Dr. Dee that Agnes had assaulted Belinda — if that was true, then he was certain Agnes had violated this first standard.

Testimony of Practica Coordinator (Dr. Thomas)

Some of the difficulties being experienced by Agnes came as no surprise to Dr. Thomas. Agnes had approached her at the beginning of the semester requesting a school placement near her home. She had said that she would have difficulty with getting to school on time, because she had two young children and was a single mother. In the past, Ms Thomas had been able to accommodate such requests, but this year there had been trouble finding enough placements, and most of her teacher candidates now had to do their practica out of the region. She also was hesitant when Agnes was requested by a different teacher mentor for her fourth practicum; normally the teacher-candidates stayed with their third mentor for the fourth practicum.
Testimony of Teacher Mentor (Mr. Ross)

Mr. Ross explained that he had never been a mentor before, and had expected to have someone more reliable and experienced to assist him with his class. He had a number of problem students this year and had requested a teaching assistant to aid him with classroom management and with the teaching. He was refused a teaching assistant, but a colleague suggested he request a teacher candidate. It was a last minute decision but one that the principal supported.

Prior to Agnes’ arrival, he had been given a brief orientation regarding his duties as a mentor, but had not seriously considered the importance of his role. He was frustrated that Agnes was not timely every day, and she seemed to need encouragement and support to get through her lessons; she often asked for assistance from him and that required time he did not have. The last straw was the incident with Belinda. He was firm in his belief that she had violated the first rule of the BCTF’s Code of Ethics: “The teacher always speaks and acts toward students with respect and dignity and deals judiciously with them, always mindful of their individual rights and sensibilities” (See Appendix I).

When asked if he had experienced difficulties with Belinda, he stated he had, but they had reached an ‘understanding’ that he would not bother her, if she did not bother him. He had not shared this information with anyone, including Agnes and was not present during the incident in the classroom. He
also did not know that Agnes was administering a quiz – had he known that, he would have advised her not to as Belinda did not deal well with surprises.

**Testimony of Principal (Mr. Bent)**

The principal had been surprised when Belinda stormed into his office demanding a meeting to file a complaint. He was quite used to complaints about her, but not from her. He had become familiar with Agnes, and although she had some difficulties with promptness in her previous practicum, he had no reservations about placing her in Mr. Ross’s class when he made the request. He decided that Belinda was probably exaggerating her story and dismissed her from the meeting. A few minutes later his secretary came in to advise him that she had overheard Belinda make a call to the RCMP to say she wanted to file assault charges against a teacher.

**Testimony of Chair of the University’s Department of Education (Dr. Kenny)**

Ms. Kenny was surprised to receive the formal report regarding Agnes. The idea that Agnes would push a student was worrisome and disconcerting. Agnes had immediately contacted her for support, but Ms. Kenny had not been able offer Agnes any advice as she only had the regular weekly reports written by the faculty mentor and the teaching mentor to depend on but from the limited information available, it appeared to her that the termination was warranted. She made arrangements for Agnes to speak to the Dean and advised she seek council from the Manager of Student Affairs.
Testimony of Dean (Dr. Doris)

Dr. Doris had not seen a written report, and so had little to say regarding the case other than it seemed like there were some facts missing. She did say she had great confidence in the Principal, Mr. Bent, and the Faculty Mentor, Dr. Dee. The teacher mentor was new to the system however, and she was uncertain if Dr. Thomas had sufficient time to orient the teacher mentor to the program.

Testimony of Student (Belinda)

Belinda was a high school student; normally only persons directly associated with the University can be included as witnesses — as such she was not interviewed and the only information available was that the secretary overheard the phone call stating she intended to press assault charges.

Testimony of Classmates

Similar to Belinda – the high school classmates were also not interviewed by TRU Administrators, but they could be heard by high school administrator if the clarification was needed.

4. Where did the events of the case arise?

Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution.

This question is particularly important as Agnes was first and foremost a university student; however she was working in a high school. Normally the University holds jurisdiction regarding a student’s performance, however in the
case of a practicum, the employer may also have rules and expectations which can impact the decision.

As with the Newcandan case, there are various university policies that have a reach beyond the corridors of the institution, however this situation is complicated by the external regulatory bodies (BCTF, and the BCCT). There are several questions which may need to be addressed before a decision can be rendered. For example, can an internal (university) committee make a decision that may be contrary to the expectations of an external body (high school)? Would such a decision compromise the relationship that the institution has with the schools and districts accepting their teacher candidates? Does any consideration need to be given to the pending assault charge? How might the School Act influence the outcome?

A careful examination of the issues and the documents would be needed to decide on the jurisdiction. It would also be important to determine ‘why’ Agnes was being recommended for termination from the program – was it her tardiness, her teaching performance, her alleged assault, or something else that caused the dismissal? For example, if it were the alleged assault that prompted the recommendation for termination, then Agnes would be accused of having violated the BCTF Code of Ethics (Appendix K) and the University’s Expectation of General Conduct (Appendix D). The investigation of an assault would involve external bodies, including the RCMP. However if the recommendation for termination was related to her teaching performance, then a review to
determine if she had progress reports warning of declining performance would play a significant role in the decision.

5. When did the events of the case occur?
Some consideration should be given to when, within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.

The fourth practicum occurs in January and February of the second and final year of the program. This is an important aspect of the case and the pending decision. Agnes had been through three previous practica as well as most of her course work. If there had been a possibility that Agnes was failing, then it should have been indicated earlier in her academic career — when it occurs at this point there is much greater loss suffered by the teacher-candidate and the institutions. Agnes has spent a great deal of money, time and effort to make it to this point. The university and schools have allocated resources in anticipation of her success. On the other hand, the program considers itself to be a gatekeeper to the profession. There is no provincial certifying exam; if the teacher-candidates graduate from the University it is assumed they are qualified to be teachers. This fourth practicum is the final opportunity for universities to wean out teacher-candidates who are not suitable for the profession, but normally it would not be the first indication of unsuitability.
6. Which internal policies, laws or codes, if any, are relevant to this case?
The course of action must comply with, or be supported by, internal policies, codes and guidelines.

There are several policies and codes guiding the decisions to be made in this case. Of great importance is the Bachelor of Education Program Handbook; this document is distributed to every student in the program and includes behavioural expectations and procedural information. It provides a clear descriptor of the department’s performance expectations of teacher candidates during the practicum, as well as specifics regarding the teacher candidate’s evaluation. It is clear from the document that there is a careful and progressive process of informing a teacher candidate when classroom performance or professional conduct is of concern. If a student is in danger of failing their practicum or having it terminated, they are generally given an interim report which gives the teacher candidate the opportunity to rectify any of the noted concerns. Occasionally situations occur where there is no opportunity to provide an interim report. An example of such a situation would be when a continuation of a practicum can cause harm to the children, the teacher candidate or others.

There are also other institutional policies which are relevant. The Appeal Policy (Appendix J) ensures that a student has the right to due process, and can appeal any decision regarding grades or policies; The Statement of General Conduct (Appendix D) describes expected behaviours of students; and the Harassment Policy (Appendix E) ensures that all staff and students have the
right to work and study in an environment free from threats and other harassing
behaviours.

7. Which external policies, laws or codes, if any, are relevant to this case?
All federal and provincial laws supersede institutional regulations. However, sometimes
policies and codes of practicum sites and other student placement locations do not apply.

External documents which are relevant to this case include the BC Code of
Human Rights, The School Act, The Teaching Profession Act, the Policies and
Bylaws of the British Columbia College of Teachers (BCCT) and perhaps section
266 (Assault) of the Criminal Records Act. The rules contained in the British
Columbia Teachers Federation (BCTF) Code of Ethics may also apply if Agnes is
an “Associate Member” (optional to students) although it is somewhat unclear as
to how bound associate members are to the BCTF’s Code of Ethics.

There are questions associated with applying these external policies which
must be considered during the decision-making process: Can a teacher candidate
be expected to perform to the standards set by the BCCT and the BCTF? Can a
TRU student be disciplined according to these external standards? In the case of
an appeal, can an internal committee make a decision that may be contrary to the
expectations of an external body? Would such a decision compromise the
relationship that the institution has with the schools and districts accepting their
teacher-candidates? Does any consideration need to be given to the alleged, but
unsupported assault charge? How might the School Act influence the outcome?
8. What courses of action are possible?
Consider at least two possible courses of actions, their sanctions and remedies.

Following the decision of the Review Committee to terminate her practicum, Agnes still had the option of appealing to the Institutional Appeal Committee (See Appeal Policy, Appendix J). According to the policy the student has a right to a fair appeal of any institutional decision regarding grades and application of policies. Agnes decided to exercise her right and brought forward her concerns once again. The resolution she was requesting was to be given a supplemental practicum at another school. At this hearing, only the Dean and Agnes appeared before the committee. The only documentation pertaining to the fourth practicum was the weekly report which described the event which led to the termination. Because the incident had occurred so early into the practicum there had been no previous weekly reports nor had there been time enough to issue an interim report. There were no witnesses to the ‘pushing incident’, but Agnes explained honestly what had occurred, also including the information she had learned about Belinda’s past history. She also admitted to being under a great deal of personal stress and acknowledged that it had impacted her ability to perform to her previous standards. She supplied her evaluations from her previous practica along with complete transcripts.

The Appeal Committee was aware of the decision of the Faculty of Education to deny a supplemental practicum, but was advised by the Chair of the Appeal Committee that they must not consider that in their decision. As per the Duty of Procedural Fairness which is every person’s right, the appellant had the right to an impartial hearing where there must be no ‘overlap’ of previous
disciplinary hearings. None of the parties who had been involved in her previous hearing at the Education Department could ‘hear’ her current appeal. The Appeal Committee could only consider internal processes and were not bound by the BCTF Code of Ethics, although they did ponder why the teacher-candidate would be impacted by the BCTF. She was not a member and had no contractual obligation to them. Nor did the committee consider the BCCT’s standards as she was not under their jurisdiction either.

**Options for Courses of Actions**

**The options being considered are those of the Appeal Committee:**

**Option 1** – The Appeal Committee could determine that Agnes has the right to another practicum

**Option 2** – The Appeal Committee could deny Agnes’s appeal which would result her removal from the Education Program

9. **What course of action is recommended?**
   Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered.

Option 1 -‘The right to another practicum’ is recommended by the Appeal Committee. There would be no sanctions or other remedies applied. The School of Education would be directed to arrange for the practicum at a school other than the one Agnes had previously been dismissed from.
10. What are the primary reasons for selecting the course of action?  
Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action selected.

The final decision of the Committee was to uphold her appeal and grant Agnes the opportunity to do a supplemental practicum. The reason given by the Appeal Committee was somewhat surprising as it had nothing to do with Agnes’ performance. They said that she had the right to a work environment free from harassment (See Harassment Policy, Appendix. C), which includes abusive, unfair or demeaning treatment. Because it was known generally by the school that Belinda was threatening and aggressive, and that Mr. Ross not only was aware of the issue but had created an informal, verbal agreement with Belinda that he did not disclose to Agnes, the committee determined that she had been unfairly treated and had been subjected to an abusive work environment.

Testing the Recommended Course of Action

This section provides the opportunity for the SSAO to reflect upon the decisions recommended by the Appeal Committee regarding Agnes’ request to have a supplemental practicum. The test of the recommendation is applied prior to implementation — by doing so it increases the likelihood of procedural fairness and decreases the likelihood of an inappropriate decision. The framework previously presented (See Table 7) is applied with each question designed to look for errors or flaws in the recommended course of action. If the answer is “yes or maybe” to any of the questions below, then this may be considered a flaw in the recommendation and another course of action may be suggested and/or further analysis required. For all questions, a rationale for the
response must be provided. In a later section within this chapter, the framework will be critiqued and revised where necessary.

1. Will the recommended course of action violate any Principles of Procedural Fairness?

No. In responding to this question it is necessary to consider the entire process. Initially Agnes did not know why she was being dismissed from her practicum. She had not received a written report, and she had little opportunity to explain her side of the story. She was eventually informed that she had been removed as a result of the pushing incident. Procedural fairness was evident and there was no indication of bias in the initial hearing conducted by the School of Education. She was then advised by me to appeal through the Institution’s Appeal Committee, which provided a further opportunity for fairness.

If the same party hears both appeals, then her right to procedural fairness will be violated, however the recommendation was that she would be provided with new hearing committee members, which further confirms her right to fairness. Also, if she was being judged by external rules (such as the BCTF) it could have been found that there was a jurisdiction issue — the hearing committee instead determined that their response must be made within the parameters of the institution’s policies.

2. Will the recommended course of action create an undesirable precedent?

No. This may set a desirable precedent in two areas. It has always been unclear whether or not the BCTF Code of Ethics applied to non-members, or in fact to
university students who were still in the process of pursuing their teaching degree. The fact that the Appeal Committee has the jurisdiction to make a decision based only on the Institution’s rules and policies suggests that the BCTF Code of Ethics can not be imposed on the teacher-candidate in this particular situation.

This second aspect of this case that may be precedent setting involves Agnes’ right to a safe workplace. There were extenuating circumstances which guided the committee to this particular decision — the behaviour of the secondary student was deemed to be a threat to the teacher-candidate, but not to the Teacher-Mentor. There were no previously recorded instances of such a decision, but if secondary students’ behaviours are threatening or intimidating to future teacher-candidates it is possible that administrators may refer back to this decision for guidance in their particular situation.

3. **Are there any students who are disadvantaged by this course of action?**

No. It does not appear that any other university students would be impacted by this decision. Agnes would be protected from the disciplinary sanctions of the school, the BCCT and the BCTF by the University’s policies; natural justice prevailed.

4. **Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?**

Possibly. If Agnes is normally physically aggressive towards children in the classroom, then there is potential harm in this decision. Because this incident
appears to be an anomaly in her record, it may be assumed that there is no further risk. However, she had indicated that she was under a lot of stress, and it is quite possible there could be a recurrence if the same set of conditions existed — particularly because she may feel justified in her actions as a result of having won her appeal. As a precautionary measure, it would be wise to have her closely monitored (keeping in mind the goals of the final practicum), as well as mandating counselling.

5. Will the course of action negatively impact the integrity of the program or the institution?

Possibly. This is an open challenge of the BCTF’s expectation of compliance with their Code of Ethics and the BCCT’s Standards of Behaviour; there may be repercussions as a result. Both organizations may proceed with a formal complaint against the University, and the School District may be less than enthusiastic about allowing teacher-candidates into their classrooms. This would be problematic for the School of Education. The BCTF and the BCCT may view the university as being ‘un-ethical’.

6. Will the course of action negatively impact the reputation of the institution?

Possibly. It would be important to notify media relations of the potential backlash from BCTF and/or the school district. If this case were handled without due caution the university could be accused of condoning bullying or mistreatment of children in the school system.
7. Will the course of action advantage my office or me in any way?

No. There is no evidence of advantage to my office or me. The appeal process is distinct; the Office of Student Affairs has no influence over the committee or the outcome, other than concerns relating to fairness and process.

8. Are there any other factors that should be considered before a course of action is taken?

No. The remaining considerations would not impact the recommendation. The decision to allow Agnes another opportunity to complete her practicum seems fair, and yet not without controversy. It is likely to be precedent setting, and may be somewhat like “David and Goliath” should the BCTF and BCCT decide to formally complain about the decision. On the other hand, Agnes does have rights under the Harassment Prevention Policy, which are further supported by the Canadian Human Rights Act and the Human Rights Code of British Columbia.

The business of the University is partly to graduate students into their careers while also promoting good citizenship. If this experience has caused Agnes to reflect on her behaviour (even if it was provoked) and recognize that she needs help to manage her reactions and stress, then based on her previous evaluations it is likely that she will become an excellent teacher — such an outcome would fulfill some of the institution’s goals.
9. Did the “Test of the Course of Action” reveal any flaw in the decision?

According to the criteria regarding the “Test of the Course of Action” a response which is not clearly a “No” could indicate a flaw in the decision. In this case, there were three “Possible”. I think this does not indicate a flaw in the decision, but rather a flaw in the processes which are established by the university. If we are uncertain that our decisions may cause harm, and may impact the integrity of the program, the institution, and the President’s Office, then I think that a review is necessary. In this particular case, there was no flaw on the part of the appeal committee; they followed the Appeal Policy process and ensured that the student’s rights to natural justice were granted. The problem was the jurisdiction, the place, the when and the participants. The current process does not allow for interviews of school children; it does not allow for ‘outsiders’ to appear as witnesses, and thus it prevents hearing the voices of those who are actually impacted by the decision. It is cases such as this that serve to initiate and drive policy development. A recommendation that could arise from this case would be to establish an appeal process that would allow (in fact require) the witnesses and victims to either appear or submit statements that would be used in the hearing. Additionally it must be ensured that proper supervision and on-going evaluation of the teacher-candidate is maintained.
Critique of the Framework

In Chapter III the Framework for “Developing a Course of Action” and the “Testing the Recommended Course of Action” was critiqued and revised. The same process will occur here, with the intent of further refining the questions within the framework.

Developing a Course of Action — Critique

One suggestion regarding the questions in this stage of the decision-making model arose as a result of this vignette.

Existing question:

8. What courses of actions are possible?
Consider at least two possible courses of action, their sanctions and remedies.

Critique of the question:

As the SSAO I can direct issues towards other institutional processes (e.g. Appeal Process, Academic Integrity Process). It is important to mention these other processes as possible courses of action, and to be prepared to test them during the Test of the Recommended Course of Action. To not do so, could be construed as avoiding an opportunity for procedural fairness to be available for the student.

Suggested new question:

8. What courses of actions are possible?
Consider at least two possible courses of action, their sanctions and remedies including other institutional processes such as the appeal process, and the academic integrity process.
Testing the Recommended Course of Action — Critique

The existing questions have missed an important aspect of the role of the SSAO. The responses discuss process, fairness, policy, and recommended actions, but they do not discuss the impact the decisions may have on the student’s learning or education. The SSAO addresses a wide range of student life, and certainly it includes the opportunity to facilitate and enhance learning. A question which tests whether or not that opportunity has been realized needs to be included in the “Testing the Recommended Course of Action”.

Suggested new question (to be placed before the final concluding question):

9. Has the opportunity to promote student learning been missed?
The Course of Action should be inclusive of the opportunity to provide education regarding policy, laws, culture and other involved aspects of the decision. When ever possible there should be directives in the resolution which enhance the learning possibilities.

Revisions to the Developing a Course of Action for Student Judicial Affairs, and to the Testing of the Course of Action are presented in Table 9 and Table 10 (3rd Draft). The questions in these tables will be tested on Scenario 3, in the following chapter.
Table 9   Developing a Course of Action (3rd draft)

<p>| | |</p>
<table>
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| 1 | Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?  
   | The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk.  
   | Documentation of names, dates and verbatim accounts is important at this stage. |
| 2 | Why is this case relevant to student judicial affairs?  
   | Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate. |
| 3 | Who are the participants?  
   | It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants. |
| 4 | Where did the events of the case arise?  
   | Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution. |
| 5 | When did the events of the case arise?  
   | Some consideration should be given to when, within the academic term, the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career. |
| 6 | Which internal policies, codes or guidelines, if any, are relevant to this case?  
   | The course of action must comply with, or be supported by, internal policies codes and guidelines. |
| 7 | Which external policies, codes or laws, if any, are relevant to the case?  
   | All federal and provincial laws supersede institutional regulations. However, sometimes policies and codes of practicum sites and other student placement locations do not apply. |
| 8 | What courses of actions are possible?  
   | Consider at least two possible courses of action, their sanctions and remedies including other institutional processes such as the appeal process and the academic integrity process. |
| 9 | What course of action is recommended?  
   | Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered. |
| 10 | What are the primary reasons for selecting the course of action?  
    | Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected. |
Table 10 Testing the Recommended Course of Action (3rd draft)

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<th>Will the recommended course of action violate any Principles of Procedural Fairness?</th>
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<td>Will the recommended course of action create an undesirable precedent?</td>
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<td>3</td>
<td>Are there any students who are disadvantaged by this course of action?</td>
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<td>4</td>
<td>Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?</td>
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<tr>
<td>5</td>
<td>Will the course of action impact the integrity of the program or the institution?</td>
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<td>6</td>
<td>Will the course of action impact the reputation of the institution?</td>
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<tr>
<td>7</td>
<td>Will the course of action advantage me or my office in any way?</td>
</tr>
<tr>
<td>8</td>
<td>Are there any other factors that should be considered before a course of action is taken?</td>
</tr>
</tbody>
</table>
| 9 | **Has the opportunity to promote student learning been missed?**  
   *The Course of Action should be inclusive of the opportunity to provide education regarding policy, laws, culture and other involved aspects of the decision. When ever possible there should be directives in the resolution which enhance the learning possibilities.* |
| 10| Does the ‘Test of the Course of Action’ reveal any flaw in the decision?           |

**Note:** If the answer is “yes or possibly” to any of these questions, then this may be considered a potential ‘flaw’ in the course of action and another course of action may be needed and/or further analysis required.

For all questions, a rationale for the response must be provided.

This vignette included processes not directly administered by the SSAO. However, it is common practice in post-secondary institutions to have different internal authorities making decisions and recommendations regarding students and their actions. In this example, the course of action recommended by the Appeal Committee was tested. In addition to testing the questions within the decision-making framework, this vignette demonstrated that the framework can
be used in cases where the SSAO is required to refer out decisions to other authorities.
CHAPTER V: VIGNETTE 3 — PLAGIARISM and GROUP WORK

The decision-making framework was tested and refined through application to vignettes in Chapters III and IV. The framework was critiqued at the end of those chapters for effectiveness and subsequently revised. Tables 9 and 10 reflect the third revision of the framework which was used in this Vignette.

This Chapter presents the third Vignette and its recommended course of action. As with the first two vignettes, it is a composite of cases, created from the case record log (Table 6); it is drawn from the category of Academic Integrity. The background of the case is presented, and then the first stage of the decision-making framework applied — Developing a Course of Action (Table 9) followed by the Test of the Recommended Course of Action (Table 10).

Case 3: Academic Integrity and Group Work

Four students worked well as group to develop an environmental management plan for a wilderness area. Each had contributed equally to the 60 page project, sharing the research and doing their own writing. Thus they were taken by surprise when the instructor failed them on the assignment and reported them for significant plagiarism. How could they all be responsible even if only one person might have plagiarized?

Background

“Academic dishonesty is a perennial problem in higher education” (Davis, Grover, Becker, & McGregor, 1992, p.16). “Cheating in community colleges is not uncommon and is one of the most unfortunate problems faculty and
administrators attempt to solve” (Moeck, 2002, p. 479). “…some forms of cheating have increased during the last 20 years, but other forms have declined. Overall, there has been little change” (Vandehey, Diekhoff, & Labeff, 2007, p. 476).

Academic dishonesty issues have permeated the classrooms of colleges and universities ever since their doors opened. Some faculty members are determined to seek out their dishonest students, while others prefer to avoid confrontation and the time consuming effort of tracking down original sources and documents. University policies are developed regarding disciplinary sanctions for students, and are worded to encourage faculty to report their errant students.

The Academic Integrity Policy (see Appendix I) speaks to the responsibilities of both the student and university staff in matters regarding academic integrity. Students are expected “to be honest and forthright in their endeavours” and staff are expected “…to take all reasonable steps to educate students regarding Academic Honesty and to prevent and to detect acts of academic dishonesty. It is an instructor’s responsibility to confront a student when such an act is suspected and to take appropriate action if academic dishonesty, in the opinion of the instructor, has occurred”.

Some of the academic integrity issues are easily addressed. For example, if a student is caught with cheat notes during an exam, there is little disputing that the misbehaviour occurred and the appropriate disciplinary sanction is applied. Some cases, however, are less clear.
The situation being discussed in this vignette is common, but difficult to address. Group projects are regularly assigned in many courses. Instructors like them because they encourage collaboration, and students like them because they can share the workload plus they benefit by having an opportunity to generate more ideas and enthusiasm than if working solo… after all ‘two heads are better than one’.

Lisa, Jen, Pete and Sean were grouped together by their instructor Dr. Upper. They had not worked together before, but Dr. Upper provided class time for the group to get to know each other. He also taught a session on group dynamics, and how to divvy up the project in a fair manner. All four students enjoyed their class discussion and were excited by their project; they had to develop an environmental management plan for a wilderness area. They agreed upon regular meeting times with the first being the next day, in the library. When they convened the next day, they were able to divide the project into four neat sections: flora and fauna of the area, current threats to the area, relevant legislation, and usage. The Introduction would be taken care of by Lisa and Jen, and Pete and Sean would do the Conclusions. They had the entire semester to do the project worth 50% of their final grade. Each person in the group would receive the same grade. Dr. Upper was aware that there could be troubles during the semester with group dynamics and had set meetings with each group throughout the semester to discuss any possible problems.

Jen’s section was the flora and fauna; she loved the outdoors and went on several outings inventorying the area, plus read as much as she could find on
previous work done in the area. Lisa’s job was to find out if there were any threats to the area. She had to dig through forestry plans to determine potential timber sales posted for the area, as well as find out if there were any development plans being considered. Her work required that she visit government offices and websites to collect the necessary information. Pete had volunteered to read up and write the section on the relevant legislative materials. He wondered if Jen’s work would uncover endangered or threatened species. Or would Lisa find some timber sales posted for protected areas? Were there any mining claims staked for the area? Were there any Aboriginal land claims being processed? Whatever they found, Pete needed to be able to apply the relevant legislation to their project. Sean had to determine the current usage of the area. He knew there were some recreational forestry sites, some canoe routes and hiking trails. He did not know if there were any motorized vehicle access points, mountain bike trails or horseback riding trails. His findings would provide current usage numbers.

For several weeks they collected the information they had committed to, they met with Dr. Upper and appeared to be doing very well as a group. Towards the end of the project timeline they brought their sections together and reviewed each other’s work superficially. The girls wrote the Introduction and the boys composed the Conclusions. They all did their own editing and forwarded everything to Jen who created a cover page, and a table of contents, plus compiled their reference pages. All together their report was 60 pages long.
They submitted their report on the last day of class just before the Christmas break.

The grades were supposed to be available online by December 24th. Each student checked for their grades, but nothing was posted. In January they returned to school and approached their instructor to find out what their grade was — instead of providing them with grades, he invited them to a meeting with him. He then advised them that there was a significant amount of plagiarism in the report and they were each to be given an F in the course, and they would be recorded as having committed an academic integrity violation.

The students were stunned. They demanded to know where the plagiarism was so that they could identify who had actually violated the policy. Dr. Upper said it did not matter whose section it was in, as they were all responsible for the entire report, and that they knew from the beginning that they all would receive the same grade. When the report was finally returned to them, they discovered that the plagiarism violations were in Sean’s section and the Conclusions. Initially the group felt that Sean should take the blame, but Sean said he did not know that what he had done was plagiarism and that the group should have been more helpful in the editing process. The group countered with their viewpoint that without seeing the original documents how could they have known he had plagiarized?
Developing a Course of Action

1. Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?

The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage.

The four students (Lisa, Jen, Pete and Sean) brought their concern to Office of Student Affairs. There was no concern of safety.

2. Why is this case relevant to student judicial affairs?

Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate.

This case came forward to student affairs because the students felt that they had been unfairly treated. Sean did not believe his work fit into the description of plagiarism, and the other students did not feel they should be held responsible for Sean’s work. As there was no indication of malicious intent or threatening behaviours there was no need for a threat assessment.

3. Who are the participants?

It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.

Dr. Upper

Dr. Upper was an experienced instructor and had recently won a teaching award. He took pride in his ability to draw excellence from his classes, and particularly enjoyed having them work in groups. Each year his classes received
attention from ‘industry’ for their projects; they were always thorough, well researched and written, and applicable.

Dr. Upper’s Testimony

He had been very impressed with this particular group. They were all excited by their project, had not expressed any group dynamic difficulties and had submitted their report on time. While reading it however, it became clear from the various writing styles that each section was individually written and simply added together as if they were distinct chapters in an edited book. The Introduction and Conclusions were slightly different and he could not quite match the styles to any of the four individual chapters. None-the-less, he found the report to be organized and thorough. While he was reading the section on legislation however, he sensed some familiarity with several of the paragraphs; a quick search on the internet found articles both from the press and Wikipedia that had sections cut and directly pasted into the report. There were no references accompanying them. He found other similar plagiarism incidents in the conclusions. Although he felt these violations were the act of one student, he wondered why the group allowed it. He was also adamant that the whole group was responsible for the entire report, and hence each member would receive the academic integrity penalty.

Jen Student

Jen’s Testimony

Jen had loved the project, and thought her group was terrific. Although she pulled the report together by doing the Title Page, the Table of Contents and
the Reference section, she did not read anyone else’s work. They knew about each other’s work through a series of presentations they did for each other on their progress, their challenges and their findings. The mini-presentations were more fun than reading and editing their group mates’ writing.

She did not believe that Sean had intentionally plagiarized and wondered why anyone should be punished for the error. An “F” in the course was devastating for her — she would lose her scholarship which would likely impact her ability to return to school next semester. She was very discouraged by the grade.

Lisa  Student

Lisa’s Testimony

Lisa was mortified. Her whole academic upbringing revolved around achievement and honesty. She knew exactly how to avoid plagiarism and was angry and annoyed that Sean could be so dishonest. She also felt it was very unfair that everyone in the group could be punished for his cheating.

She was going to complain, appeal, and do whatever was needed to contest the allegation.

Sean  Student

Sean’s Testimony

Sean was confused and embarrassed. He had really enjoyed his group, and had worked very hard to collect as much information as possible; he had even gone to the area to see for himself what types of usages were occurring. A lot of what he had written was personal opinion, but a local person had informed
him they were developing an information page on Wikipedia and that he should visit it to get more information. “You are welcome to add to it, plus use what ever we put up on it” he had said. He had found a few articles in the local newspaper, plus the information on Wikipedia that the local man had written. Because of the personal communication, and encouragement to ‘help himself’ to their information, he had not thought he needed to cite them. None of the documents matched the type of literature he was taught would need to be cited. He had put in a paragraph about his conversation with the local man, acknowledging his support and thought that was adequate.

He wasn’t sure what to do. He was very passive and quiet. He did not have a great deal of self-confidence and was really uncomfortable talking to anyone about this.

Pete  Student

Pete’s Testimony

Pete felt they were being unfairly treated. First of all, he believed Sean when he had said that he thought he did not need to cite his authors. Secondly he didn’t believe that the policy that Dr. Upper was applying intended for group mates to be accused of each other’s wrong doings, and thirdly he did not think it was the group’s responsibility to ensure that the other members had not plagiarized. Pete was upset, but not particularly worried. He felt he could easily justify their positions, and that even Sean could avoid the Academic Integrity allegation.
4. Where did the events of the case arise?

Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution.

The case occurred as part of a class assignment and so would be considered to have occurred in the classroom, even though the field work occurred off-site. All institutional policies apply.

5. When did the events of the case arise?

Some consideration should be given to when within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.

The case occurred during the semester, with the results of the plagiarism being learned after the holidays. The only significance of the timing relates to the length of time the students have to appeal if they wish to do so. The Appeal Policy provides only seven days for the student to initiate their appeal with the Office of Student Affairs and therefore the students may choose to appeal without much deliberation. (The policy allows for the 7 days to be counted as of the first day of the January semester).

6. Which internal policies, codes or guidelines, if any, are relevant to this case?

The course of action must comply with, or be supported by, internal policies codes and guidelines.

The Academic Integrity Policy (See Appendix I) and the Appeal Policy (Appendix J) both offer guidance and procedural steps regarding the students’ actions. The Academic Integrity Policy provides definitions of the various forms
of academic dishonesty, and the Appeal Policy provides timelines and processes to ensure students are aware of how they must proceed. The Course Outline Policy (Appendix G) is also relevant as it may refer to group work and plagiarism, information that will be important in an appeal.

7. Which external policies, codes or laws, if any, are relevant to the case?

All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply.

There are no external policies, laws or codes relevant to this case, although had the students been publishing in an external document there would have been further reprimands from the outside community. Plagiarism is not condoned by any publishing body.

8. What courses of actions are possible?

Consider at least two possible courses of action, their sanctions and remedies including other institutional processes such as the appeal process and the academic integrity process.

The Academic Integrity Policy has a number of steps ensuring that the student is aware of the allegations and can explain his or her position to the Instructor, Chair and Dean in the event of disagreement. The SSAO is invited to participate in the meetings and assist with a resolution as needed. In the event that no resolution is reached and the disagreement continues, then the case moves to the Academic Integrity Committee (AIC). The SSAO is a non-voting member of the committee and can offer recommendations for resolution. The four students presented their case, arguing that the students could not be
expected to have the expertise to critically review another’s writing for plagiarism and therefore they should not all be accused of the same violation. Furthermore, they argued, Sean did not really plagiarize. He had permission from the local man to use the site and indeed to add to it, which he had. In fact some of the parts where he was accused of plagiarizing were things he himself had written himself and posted to Wikipedia. The group argued that Sean did a poor job of providing citations, but that he had not plagiarized.

**Options for Courses of Action**

Academic integrity allegations and resolutions require an institutional response in which the SSAO is involved, but is not necessarily the main decision maker. The recommended course of action which was considered here was that of the Academic Integrity Committee, but was enacted with advice from the SSAO. As such, it is appropriate to apply the framework to the decision as future advice by the SSAO may be impacted by the recommended course of action, and the test of the recommended course of action.

**Option 1** - The Academic Integrity Committee could decide in favour of the students, agreeing that they were not responsible for each others academic integrity and that in fact, Sean did not plagiarize. In this option, all students would be awarded a suitable grade based on the project they submitted.

**Option 2** – The Academic Integrity Committee could decide that the group was not responsible for each others academic integrity, but that Sean had in fact plagiarized. With this option, only Sean would receive the failing grade— the others would be given a grade for their parts in the project.
**Option 3** - The Academic Integrity Committee could decide that all members of the group were responsible and that the work was plagiarized. All students would receive a failing grade.

**9. What course of action is recommended?**
_Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered._

The Academic Integrity Committee decided that the group was not responsible for each other’s academic integrity but that Sean has plagiarized (Option 2). Sean would receive a failing grade and the Academic Integrity violation on his record.

**10. What are the primary reasons for selecting the course of action?**
_Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected._

The Academic Integrity Committee decided that the group was partly correct – students should not be expected to have the expertise to review another’s work for plagiarism, but that Sean had in fact plagiarized and the penalty would stand for him. The committee is composed of students, faculty members, an administrator and the SSAO. The mandate is to ensure that the institution maintains a high level of integrity but that students are treated justly when cases come forward.

**Testing the Recommended Course of Action**

This section provides the opportunity for the SSAO to reflect upon the decisions made regarding the participants introduced in Vignette 3. The
framework previously presented (See Table 9) is applied with each question designed to look for errors or flaws. If the answer is “yes or possibly” to any of the questions below, then this may be considered a ‘flaw’ and another course of action may be needed and/or further analysis required. For all questions, a rationale for the response must be provided.

1. Will the recommended course of action violate any Principles of Procedural Fairness?
   No. The students were informed in advance of the policies; all were fairly applied with due process. They were advised of the allegation, and given the opportunity to defend their case in a fair and unbiased hearing.

2. Will the recommended course of action create an undesirable precedent?
   Possibly. The decision of the Academic Integrity Committee said the group was not responsible for each other’s work. This contrasted with the instructions that were provided by the instructor. While this does not oppose any policy, it may appear to infringe on the Instructor’s right to Academic Freedom.

3. Are there any students who are disadvantaged by this course of action?
   No. The students are not negatively impacted by this decision.

4. Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?
   No. There is no indication of harm to anyone.
5. Will the course of action negatively impact the integrity of the program or the institution?

Possibly. It is possible that the decision of the Academic Integrity Committee to not include the team members in the allegations may have an impact on the program. This may be seen as removing responsibility away from the students, and viewed by faculty as lessening the integrity of the program.

6. Will the course of action negatively impact the reputation of the institution?

No. Academic issues such as plagiarism, when resolved internally do not impact the reputation of the institution. However, if the plagiarism had not been detected, and the students had published their work then it is possible that the reputation of the institution would be negatively impacted.

7. Will the course of action advantage me or my office in any way?

No. The decision of the Academic Integrity Committee is made without influence or advantage to my office.

8. Are there any other factors that should be considered before a course of action is taken?

No. There are no other factors that would alter the recommended course of action of the academic integrity committee as I believe this recommendation follows due process and applies the academic integrity policy fairly. The Committee did not support the directions provided by the instructor, but did follow the Academic Integrity Policy — there is no wording in the policy that
allows for one student to be charged with another’s wrong-doing. This case revealed an area of policy that needs to be addressed to ensure that each student is treated fairly and consistently.

9. **Has the opportunity to promote student learning been missed?**
   
   *The Course of Action should be inclusive of the opportunity to provide education regarding policy, laws, culture and other involved aspects of the decision. When ever possible there should be directives in the resolution which enhance the learning possibilities.*

   **No.** The students were exposed to the policies and complexities of plagiarism. All of the students were provided with a review of what constitutes plagiarism, and how to avoid it. This was a valuable learning opportunity, one that would perhaps help them avoid a more catastrophic situation in upper levels of their education.

10. **Does the “Test of the Course of Action’ reveal any flaw in the decision?**

    **Note:** If the answer is “yes or possibly” to any of these questions, then this may be considered a potential ‘flaw’ in the course of action and another course of action may be needed and/or further analysis required. For all questions, a rationale for the response must be provided.

    **Yes.** The test revealed two “possibly’s” (question 2 and 5), both relating to the same issue – non-adherence to the instructor’s directions regarding group work and plagiarism.
As the SSAO, it is important for me to review the decisions carefully. Did the Academic Integrity Committee err in overriding the instructor’s directions, or was the instructor wrong in trying to implement such directions? This decision is likely precedent setting. Is this in fact a flawed decision, and if so, would there be any recourse for the instructor?

I believe that the course of action did, in fact, reveal a flawed decision. The instructor had clearly stated on the course outlines that the group members were responsible for each other’s work and a plagiarism allegation would be levied against each member of the group regardless of who committed it.

Interestingly, the only recourse in this case is to recommend a policy change in which the understanding of ‘group work’ is clarified. The debate of whether or not group members are responsible for each other’s plagiarism wrong-doings would occur at an institutional level.

**Critique of the Framework**

In Chapters III and IV the frameworks for the “Developing a Course of Action” and “Testing the Recommended Course of Action” were critiqued and revised. There were fewer revisions needed at the conclusion of Chapter IV than at the end of Chapter III, and I now find that at the end of Chapter V there is no evidence of changes needed. All of the questions in both stages of the framework were meaningful, and could be responded to clearly. This last scenario was determining a course of action for the Academic Integrity Committee with whom the SSAO must work when there are students who have violated the Academic Integrity Policy. The framework is flexible enough to allow it to be applicable in
this type of situation – this is an important aspect of the framework as often SSAOs are often called in to assist with other institutional processes.

In summary, the framework will not be subjected to further revisions in this study, and hence the third draft becomes the final version and is presented in Table 11: Developing a Course of Action (final version) and Table 12: Testing the Recommended Course of Action (final version). Having said that, the framework will be limited in some applications — and example of such a situation is presented in Chapter VI.
<table>
<thead>
<tr>
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<th><strong>Table 11  Developing a Course of Action (final version)</strong></th>
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</thead>
</table>
| 1 | **Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?**  
*The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage.* |
| 2 | **Why is this case relevant to student judicial affairs?**  
*Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate.* |
| 3 | **Who are the participants?**  
*It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.* |
| 4 | **Where did the events of the case arise?**  
*Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution.* |
| 5 | **When did the events of the case arise?**  
*Some consideration should be given to when within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.* |
| 6 | **Which internal policies, codes or guidelines, if any, are relevant to this case?**  
*The course of action must comply with, or be supported by, internal policies codes and guidelines.* |
| 7 | **Which external policies, codes or laws, if any, are relevant to the case?**  
*All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply.* |
| 8 | **What courses of actions are possible?**  
*Consider at least two possible courses of action, their sanctions and remedies including other institutional processes such as the appeal process and the academic integrity process.* |
| 9 | **What course of action is recommended?**  
*Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered.* |
| 10 | **What are the primary reasons for selecting the course of action?**  
*Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected.* |
Table 12  Testing the Recommended Course of Action (final version)

<table>
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<tr>
<th></th>
<th>Question</th>
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<tbody>
<tr>
<td>1</td>
<td>Will the recommended course of action violate any Principles of Procedural Fairness (See Appendix L)?</td>
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<tr>
<td>2</td>
<td>Will the recommended course of action create an undesirable precedent?</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Are there any students who are disadvantaged by this course of action?</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Will the course of action impact the integrity of the program or the institution?</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Will the course of action impact the reputation of the institution?</td>
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<tr>
<td>7</td>
<td>Will the course of action advantage me or my office in any way?</td>
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<tr>
<td>8</td>
<td>Are there any other factors that should be considered before a course of action is taken?</td>
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<tr>
<td>9</td>
<td>Has the opportunity to promote student learning been missed?</td>
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<tr>
<td></td>
<td><em>The Course of Action should be inclusive of the opportunity to provide education regarding policy, laws, culture and other involved aspects of the decision. When ever possible there should be directives in the resolution which enhance the learning possibilities.</em></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Does the ‘Test of the Course of Action’ reveal any flaw in the decision?</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** If the answer is “yes or possibly” to any of these questions, then this may be considered a potential ‘flaw’ in the course of action and another course of action may be needed and/or further analysis required. For all questions, a rationale for the response must be provided.
CHAPTER VI: LIMITATIONS and CAUTIONS

Three separate vignettes tested the decision-making framework, illustrating its potential by applying it to some of the issues which are encountered by Student Judicial Affairs Officers. The intent of this chapter is to suggest some caution — there will be cases when this framework is less helpful, in fact cases where nothing seems to work except good judgment. The cases I am referring to are the ones which happen infrequently, which puzzle everyone, and which we hope we come through with some gained expertise. They should be addressed carefully, thoughtfully, and the final decision should be reviewed as completely as possible within the guidelines of “Testing the Recommended Course of Action”.

Case 4 — Scary Behaviours

Sam had not disclosed his mental illness to his classmates or his instructors. As the mid-term exam session approached, his behaviours became increasingly odd, and unusual. He responded to others in inappropriate ways (shouting, yelling, crying) and sometimes intimidated those around him just by his glares and tense body language. On the day of the exam he was acting strangely—he had only been seated a few minutes when he leapt from his seat, shouting obscenities and stormed out of the classroom. The shaken instructor called security.

The vignette presented in this chapter, as with the previous three vignettes, is drawn from the case record log. It is a composite of cases which arose in the Mental Health category. Although these cases do not represent the highest frequency of incidences (See Table 6), they take a disproportional amount
of time to resolve. They are filled with unknowns, safety concerns and confidentiality issues.

**Background**

Students with mental illnesses are part of our vulnerable student population. The stresses of exams, essays and expectations of success (usually self-imposed) can trigger psychotic episodes. Patient confidentiality often means that university personal are not informed of the student’s illness, and are left bewildered, and sometimes frightened, by a student’s behaviour.

This case involves a student who experienced psychotic episodes as a result of an undisclosed mental illness. Sam is an older student taking a degree in Respiratory Therapy. This program is rigorous and involves a practicum placement in a hospital in its final year. Sam is a straight A student, but his mannerisms have caused the faculty to notice him, although they have nothing specific to report about him; they note his behaviour as being ‘odd’ and ‘scary’, but he has never threatened or injured anyone to their knowledge. Things changed on the day of his mid-term exam.

Sam arrived in class early, as usual, but was acting strangely. He held back at the classroom door for several minutes, glancing around, and then entered the classroom. He did not go to his seat, but instead paced back and forth down the aisles. The instructor asked him to sit. He looked surprised, but sat down immediately — he was not at his usual desk however. Eventually the rest of the students arrived and found seats, but left empty ones around Sam. The
instructor distributed the exam, and the class began to write. Just a few minutes into the exam Sam jumped up swearing and yelling and crying. He upset desks as he made his way to the door, and then ran down the hallway. The instructor called Campus Security and the Office of Student Affairs.

### Developing a Course of Action

1. **Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?**

   The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage.

   The case was brought forward by the instructor, Campus Security and several frightened students. Stories about Sam’s behaviours were already circulating through the department. There could be a safety risk to Sam or to others, but as this was the first incident with Sam the cause of his behaviours was unknown. Following his abrupt exit from his classroom, his whereabouts were also unknown.

2. **Why is this case relevant to student judicial affairs?**

   Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate.

   This case seems to be is relevant to student judicial affairs because a classroom was disrupted and it involved a student, but no one feels aggrieved, and it is unclear that disciplinary action is appropriate. Action needs to be taken to ensure that there is no threat to anyone, but Sam did not lunge towards anyone, and he did leave the classroom. It is unclear if a threat assessment is required.
3. Who are the participants?

It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.

Sam

Sam is a student in Respiratory Therapy. He does not have a circle of friends in the classroom and has been a straight A student throughout his academic career. He is nearing the end of his course work, and is scheduled to go on his practicum in a hospital in three weeks time.

Sam’s Testimony

As Sam did not initially come to the Office of Student Affairs, there was no opportunity to meet with him.

Instructor Bush

Instructor Bush has taught in the program for 15 years and was shocked by Sam’s behaviour. Prior to coming to the University, he worked in the hospitals receiving practicum students and strongly feels that he is responsible for the well-being of hospital patients.

Instructor Bush’s Testimony

Instructor Bush knew little about Sam. He did not seem to have friends, his behaviours, although odd, had never been disruptive before, and he always achieved high grades. He now, however, doubted Sam’s suitability to enter a practicum.
Sam’s Classmates

The program operates as a cohort, so Sam has been with these classmates for two years. He has not made the usual friendships normally seen in cohort models.

Classmates’ Testimonies

Sam’s classmates knew nothing about him. They avoided him, but really could not say why, other than they found his behaviours different and sometimes scary.

Counselling

Sam’s behaviour was unusual. When such behaviours occur, the Office of Student Affairs works closely with the university’s counselors to try to assess the situation. At the time of the incident, Sam had never been to counselling.

4. Where did the events of the case arise?
Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution.

The University clearly has jurisdiction to address the behaviour as the incident occurred in the classroom.

5. When did the events of the case arise?
Some consideration should be given to when within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.
The event occurred mid-semester. The importance of the timing is that it occurred just prior to Sam’s practicum placement and was now impacting the instructor’s decision to place him in a hospital.

### 6. Which internal policies, codes or guidelines, if any, are relevant to this case?
The course of action must comply with, or be supported by, internal policies codes and guidelines.

Institutional policies regarding expected behaviours, disruption of teaching, and violent behaviours apply. The Statement of General Conduct (Appendix D) was violated by Sam’s behaviour, as was the Harassment Prevention Policy (Appendix E). In both instances students are expected to attend the institution with the intention of pursuing their education and they are expected to behave in a respectful non-harassing, non-violent manner with the rest of the university community. Serious breaches of these policies could result in the implementation of the Debarment Policy (Appendix F). If Sam were registered with disability services, then other policies regarding students with disabilities would also apply; at the time of the incident, he had not disclosed to counselling or disability services any mental illness issues, and had not sought accommodation.

### 7. Which external policies, codes or laws, if any, are relevant to the case?
All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply.

At this time, none are relevant, although the hospital hosting Sam’s practicum may have some behavioural codes.

### 8. What courses of actions are possible?
Consider at least two possible courses of action, their sanctions and remedies including other
institutional processes such as the appeal process and the academic integrity process.

The course of action is unclear. Patient and student confidentiality make it difficult to determine the cause of the behaviour. While this story has presupposed a mental illness, the behaviour could also be explained by drug use and abuse.

Option 1:
Have a meeting with Sam, advise him of the unacceptable behaviours and place him on a behaviour contract. Try to determine the cause of the behaviour.

Option 2:
Have a meeting with Sam, assume a mental illness, and encourage/mandate a medical withdrawal.

9 What course of action is recommended?
Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered.

In this situation I would invite Sam in for meeting, and advise him of his unacceptable behaviour (Option 1). I would hope that once I was able to meet with him I could determine the cause of the behaviour and provide the necessary assistance, which may include a behaviour contract and an appointment with a counselor.

10. What are the primary reasons for selecting the course of action being taken?
Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected.
Counselling and the Office of Student Affairs anticipated that Sam’s behaviour was caused by stress and could be manifesting the initial stages of mental illness. It was hoped that a meeting would provide an opportunity for an informal assessment, a discussion about the impact his behaviour had on his classmates, and an opportunity to refer to medical treatment. Until such a meeting occurred, it would be difficult to know which policies or codes would apply (disabilities policy, Statement of General Conduct, Harassment Policy).

Comment on the Recommended Course of Action:

This recommended course of action for this case (and the ones previously presented) is hypothetical. A projection of a potential response by Sam follows: Sam attends the meeting, but is incoherent and aggressive. He refuses to discuss anything, accuses the staff of being part of a conspiracy and bolts from the room. Campus Security loses track of him until a call from the Office of a Senior Executive notifying them to say they were being threatened by an unknown person who said they all deserved to die. By the time security arrive at the offices, the man has left, but the staff are shaken and scared. A lockdown of the building occurs. It is determined that Sam had been the individual who entered the executive offices.

Testing the Recommended Course of Action

This case offers a situation in which testing the recommended course of action may not be helpful; as was postulated here, the meeting may not proceed ‘according to plan’ making the ‘test’ ineffective or irrelevant. The normal
approach to resolving an issue begins with a meeting with the student — this approach is usually helpful and is required under the Principles of Procedural Fairness (See Appendix L). Even when there are safety concerns, meetings are scheduled but extra precautions are taken. There would have to be other attempts at resolving this issue, but they may be determined by a combination of factors outside of the jurisdiction of the University. For example, erratic behaviours such as those exhibited by Sam are usually noticed by family and friends and are often brought to the attention of the police or physician who can apprehend individuals to bring them to the hospital for treatment. Alternatively, the threats could be perceived as medium to high, and he could be apprehended for uttering threats.

In the event that he returned spontaneously to the classroom, another attempt at a meeting would be tried, hopefully to meet the same goals as the initial meeting. It is possible that a second meeting would be successful, but that is as unpredictable as the first meeting.

Conclusion

There will be other situations which fall outside the purview of the institution, or when the application of the framework seems impossible. There should always, however, be an attempt to apply the framework in anticipation that a course of action can be suggested. If there are repeated instances of similar cases which can not be addressed by the framework, then it may be appropriate
to revise the framework, or our processes, to meet the needs and complexities of those cases.
CHAPTER VII: FINDINGS

This study resulted in the development of a decision-making framework, one that can be used by other SSAOs. To develop this framework, I needed to construct composite cases, and present these as vignettes. The vignettes needed to be credible, and the framework needed to be a reliable guide for SSAOs striving to arrive at fair and justifiable decisions. In this chapter I discuss the use of my case record log, the creation and credibility of the vignettes and the development, refinement and suitability of the framework.

The Case Record Log

The case record log is an actual database maintained confidentially in the Office of Student Affairs. Every incident that is presented to my office for resolution is given an identification number, placed in a domain and category and entered into a database. The actual details of the issue are recorded and maintained in a filing system. This case record database is a crucial component of my day-to-day operations. Not only does it allow me to efficiently track issues and provide support when and where needed, it also is used from time to time for legal, human rights and personnel issues. Additionally, it been accessed through the Freedom of Information and Privacy Act on occasions when documentation was required for concerns which escalated beyond my jurisdiction. For this study, I created composite stories from categories which held the highest number of cases — Violent Behaviour (Vignettes 1); Grade Disputes (Vignette 2); and Academic Integrity Violations (Vignette 3) — or was
the most challenging and complex to resolve — Mental Health Issues (Vignette 4). I carefully chose case characteristics to create the vignettes. It was important to not lose the essence of a case during the effort to create a vignette in which none of the players were real people. I did this by perusing the cases within categories, looking for and identifying key issues. For example, to create the case with the Newcandian students (Vignette 1), I reviewed several cases which had a common theme. The students were international; they brought with them prejudices about their own countrymen and acted without regard to Canadian or university laws and policies. There was always confusion on the institute’s side about the cultural implications and there was usually a difference in values.

Credibility of the Vignettes

Once I was certain I had captured the essence of the cases in a new composite story, I asked colleagues to review the composites with a couple of purposes in mind: I needed reassurance that I had not closely replicated an actual situation, or used names of real people, plus I wanted reassurance the case was plausible, that I had not sensationalized an event. Comments from my colleagues follow.

The Associate Vice-President of Student Affairs said this about the Cultural Issues and Violence Case (Vignette 1):

Vignette 1, the case of conflict between two Newcandans, is a realistic presentation of circumstances touching on two current, complex and sensitive issues prevalent on university campuses. The first issue relates to
culture, and our need and responsibility to understand and relate appropriately to students from abroad. As our campuses become increasingly multicultural, we are challenged not only to address how to negotiate respectful and productive relations between the dominant culture and visiting international cultures, but also to understand the internal dynamics, issues and acceptable behaviours within cultures new to Canada and perhaps unfamiliar to us. The fictional Newcandans and their native ‘home-country’ effectively both obscures the identity of any actual student or country and also provides an example of how perspectives and events from ‘the home-country’ can come into play on our campuses here in Canada. The second set of issues relates to increasing concerns on campus about safety; how do we walk that delicate line between appropriate and effective response to incidents, and over reaction which can foster anxiety and, potentially in this case cultural or racial prejudice. That these two issues should come together as they do in Vignette 1 is entirely probable (Personal Communication, May 22, 2008).

The Dean of the School of Education at Thompson Rivers University, (personal communication, April 14, 2008) said this about “The Practicum and Grade Dispute Case” (Vignette 2):

Having read and commented on the vignette involving a hypothetical incident that is centred around a Bachelor of Education Teacher
Candidate’s experiences in practicum, I will state emphatically that the scenario is highly plausible and in fact when I had finished reading it, I could visualize a situation exactly like this occurring to one of our Teacher Candidates. The vignette provides just the right balance of specific detail and yet does not describe exactly what has happened in the program, at least in the past 8 years that I have been associated with the B.Ed. program at Thompson Rivers University. Nancy has managed to make the circumstances appear to be the "real thing" while at the same time safeguarding any potential chance of this situation reflecting something that has actually occurred.

Vignette 3 – Plagiarism and Group Work, was similarly reviewed by the, Chair of the Academic Integrity Committee at Thompson Rivers University. Here is what she had to say: “This Vignette is plausible, and the outcome is fair. No individuals are identifiable but the situation certainly reflects some of the cases we have reviewed” (Personal Communication, April 14th, 2008).

The Scary Behaviours (Vignette 4) was also reviewed by the Associate Vice-President of Student Affairs at Thompson Rivers University. She offered these comments:

Vignette number 4 offers an example of student behaviour which is surprising, frightening to those who witness it, and ambiguous in its
meaning. This is a realistic presentation of that class of incidents which occur on campus, prompted by incipient mental illness, or stress, or both. This vignette presents features which are common in combination in this kind of situation — high emotionality, uncertainty about the level of risk to “Sam” and others, and the absence of institutional control over the logistical factors which influence due process, resolution and, indeed, safety (Personal communication, May 22, 2008).

The comments from colleagues suggest that all four vignettes are plausible, even though the stories are composites and the recommended actions hypothetical. It is likely that these vignettes will resonate with most SSAOs. However, it is not the vignettes that were being tested, but rather the two stage framework: Developing a Course of Action, and Testing the Recommended Course of Action.

Development, Refinement and Applicability of the Framework

The process of developing and refining the framework was careful and systematic. Levy and Kozoll’s (1999) Decision Making Framework and Nash’s (2002) Justification Schema provided a useful starting point. They both suggested, as a structure, a series of questions — Nash (2002) further suggested a format to test the final decision. Initially I had intended to use three vignettes to illustrate the decision-making framework I had developed from Levy and Kozoll (1999) and Nash (2002). However, it became apparent that the framework itself
needed refining, and thus the vignettes became the medium on which I could test the framework. Because the vignettes were composites of typical cases, I had the advantage of knowing what information needed to be disclosed to make a decision. When that information did not get revealed as a result of applying the decision-making framework, it was obvious I needed to refine the questions within it. The refinements made to each draft were described in earlier chapters on a question by question basis. The decision-making framework which was developed through this process is presented in Tables 13 and 14 and the overall evolution of the framework to its final state is described below.

Questions 1 and 2 in the first draft were revised to ensure that adequate information was gathered regarding documentation and safety— the recognition of the need for more details arose by purposely reflecting on the questions. I then realized that there must be an intentional opportunity for the SSAO to reflect on the recommended course of action and to search for flaws. Outside of this particular study, I do not believe that the process of reflecting on the proposed course of action would actually occur without a specific instruction to do so. Hence two questions were added to direct the SSAO to both consider the possibility of other factors, and to look for flaws in the recommended course of action.
### Stage 1: Developing a Course of Action

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
</table>
| 1 | **Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?**  
The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage. |
| 2 | **Why is this case relevant to student judicial affairs?**  
Jurisdiction for determining a course of action should be established early in the process; the potential for harm should be investigated and a threat assessment initiated if appropriate. |
| 3 | **Who are the participants?**  
It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants. |
| 4 | **Where did the events of the case arise?**  
Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution. |
| 5 | **When did the events of the case arise?**  
Some consideration should be given to when within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career. |
| 6 | **Which internal policies, codes or guidelines, if any, are relevant to this case?**  
The course of action must comply with, or be supported by, internal policies codes and guidelines. |
| 7 | **Which external policies, codes or laws, if any, are relevant to the case?**  
All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply. |
| 8 | **What courses of actions are possible?**  
Consider at least two possible courses of action, their sanctions and remedies including other institutional processes such as the appeal process and the academic integrity process. |
| 9 | **What course of action is recommended?**  
Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered. |
| 10 | **What are the primary reasons for selecting the course of action?**  
Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected. |
Table 14  A Decision-Making Framework for Student Judicial Affairs.  
Stage 2: Testing the Recommended Course of Action

<table>
<thead>
<tr>
<th></th>
<th>Will the recommended course of action violate any Principles of Procedural Fairness?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Will the recommended course of action create an undesirable precedent?</td>
</tr>
<tr>
<td>3</td>
<td>Are there any students who are disadvantaged by this course of action?</td>
</tr>
<tr>
<td>4</td>
<td>Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?</td>
</tr>
<tr>
<td>5</td>
<td>Will the course of action negatively impact the integrity of the program or the institution?</td>
</tr>
<tr>
<td>6</td>
<td>Will the course of action negatively impact the reputation of the institution?</td>
</tr>
<tr>
<td>7</td>
<td>Will the course of action advantage me or my office in any way?</td>
</tr>
<tr>
<td>8</td>
<td>Are there any other factors that should be considered before a course of action is taken?</td>
</tr>
</tbody>
</table>
| 9 | Has the opportunity to promote student learning been missed?  
   The Course of Action should be inclusive of the opportunity to provide education regarding policy, laws, culture and other involved aspects of the decision. When ever possible there should be directives in the resolution which enhance the learning possibilities. |
| 10| Does the ‘Test of the Course of Action’ reveal any flaw in the decision? |

**Note:** If the answer is “yes or possibly” to any of these questions, then this may be considered a potential ‘flaw’ in the course of action and another course of action may be needed and/or further analysis required. For all questions, a rationale for the response must be provided.

It also became apparent to me as I worked through Vignette 2 — Practicum Grade Dispute and Vignette 3 — Plagiarism and Group Work, I needed to include courses of action which involve institutional processes outside of the Office of Student Affairs. Complaints about policy and process often are forwarded to the SSAO and being prepared to address them in a framework is both helpful and necessary — this rationale supported the addition of “include other institutional processes such as the appeal process and the academic
integrity process” to Question 8 in the second draft. One final question was added regarding student learning. This question, may at first glance, seem out of place, and yet consideration of facilitating the opportunity for student learning to occur is very much part of the role of a SSAO. The emphasis is less on discipline and more on education with the intent to correct inappropriate behaviours. This question is included as a reminder of that purpose.

The framework ensures that various options for a course of action are considered, and that the options are reflected upon afterwards. This creates a fair, thoughtful and just process; it also exposes policy shortcomings, and a need for education of various skill sets for staff. For example, it became apparent during the Plagiarism Group Work Case (Vignette 3) that there was a lack of consensus regarding the expectation that students are responsible for each other’s plagiarism content in the group project; this type of problem would need to be addressed in a policy review. An example of a required skill set is seen in the Cultural Issues and Violence case (Vignette 1) where a complete threat assessment had to be applied to the situation. An event such as this requires immediate access to staff trained in threat assessment and would be a motivator to provide training workshops in threat assessment to ensure adequate resources are available during future emergency situations.

The framework has limitations. Situations which balance on the edge of our jurisdiction and that of outside agencies may create conditions where we are unable to propose and/or control a course of action. The decisions are outside
our purview, but the impact is not. When these situations occur, it is important to
give especially careful and thoughtful consideration to the circumstance, ensure
that procedural fairness is maintained and the safety of the university
community preserved.

Developing this decision-making framework for student judicial affairs
officers has provoked a close look at the decisions in my own practice, and the
processes of my colleagues. It has most certainly improved my own decision-
making abilities. This and other conclusions are discussed in the final chapter of
this study.
CHAPTER VIII: CONCLUSIONS and DISCUSSIONS

This final chapter provides the opportunity to reflect carefully on my study, the impact it has had on my practice and the potential for bias of practitioner based research. Furthermore, the process of reflecting on this study and its impacts stimulates ideas for further research and practice recommendations.

Impact on Practice

As a practitioner, I questioned my actions, my interactions, my training, and my responses to the daily dilemmas I faced in Student Affairs. When I first took on the role of the SSAO, I did not feel prepared to do the job. I needed instructions, directions or a structure, but I could find none. I wanted to improve my skills and to learn more about the profession that seemed to choose me, rather than me choosing it. Over the course of seven years I strove for an understanding of issues in the face of uncertainty. I attended conferences, studied the literature, spoke to colleagues, and finally embarked on this study which resulted in a structure which supports and directs my actions in student judicial affairs.

I began my quest, in Chapter I, searching the literature, defining roles and articulating the nature of the problem. It was Peter Jarvis (1999) who identified that learning can only occur, once a problem (or in his terms ‘disjuncture’) has been recognized — or in other words, when disharmony occurs between what we know how to do and what we want to do, but do not know how to do.
Sometimes identifying the problem is difficult. In this case, the problem was my practice, the inconsistencies and uncertainties in my actions and the inability to teach others what it was that I do. A problem such as this is not quickly nor concisely addressed. The solution required a demonstration of the tasks and decisions I attempted and the resolutions I employed; it meant articulating my thought processes, and expressing the doubting of my decisions and it meant researching the work of other SSAOs to see how they described their thought processes and decisions. I tried explaining my work and decision-making processes through a variety of methods, and eventually developed a framework that allowed me to articulate my thinking through a series of questions, followed by a ‘test’ of my decision through some justification questions.

The search to develop this framework was presented in Chapter II. The best decisions are made through systematic, reflective, consistent and careful deliberations that are followed by re-evaluating the final decision. Authors such as Dewey (1933), Jarvis (1999), Loughran (2006) and Schon (1983), all wrote in support of the importance and value of reflection in practice; they did not however, offer models for decision-making in student affairs. Ethnographer (Gladwin, 1999), grounded theory proponents (Glaser and Strauss, 1967), and ethicist (Nash, 2002) offered decision-making models and justification schemas, but not in student affairs. Levy and Kozoll (1998) offered a decision-making model for student affairs, but one without a justification schema. By drawing upon the writing of these and other experts a decision-making framework
evolved that was explainable and justifiable. It consisted of 10 questions which guided the course of action, and was followed by a ‘test of the course of action’ — a justification schema.

To demonstrate and test the framework, a series of vignettes were presented in Chapters III, IV, and V, and subjected to the questions and a justification schema. The vignettes were cases that any student judicial affairs officer might be called upon to address. The issues were real, the policies, laws and codes were actual, and the institutional responses were factual. My reflection on the cases, and their outcomes were thoughtful. A further vignette was presented in Chapter VI to indicate occasions when the framework may be limited by the complexities of case issues and jurisdiction.

The process of researching the work of practitioners, constructing composite cases and developing and testing a framework impacted my practice in several ways. Obviously there is great value in studying the work of others; learning from other practitioners is a highly regarded method of learning. I have already acknowledged their expertise in other areas of this dissertation and without their contributions to the literature I would have been unable to produce the framework which resulted as an outcome of this study. While I had expected the benefit to my practice by researching the work of others, I had not anticipated the benefits of developing composite cases. The process of developing composite, hypothetical and yet credible cases required a thorough review and understanding of the issues I address. It was important to reflect carefully on the
cases and then present the key issues in the form of a vignette. This reflection revealed patterns of concerns, shortcomings of policies and changing trends in student behaviours which can be addressed in future studies. Equally surprising was the impact of developing the framework. I had previously acknowledged the need for structure in my practice so that I might be better positioned to cope with the uncertainties and challenges in my work. Developing the framework and seeking opportunities to refine it demanded that I look critically at the outcomes of the decisions and the potential for error in judgment and decisions. It also created a sense of confidence in the decisions I now make using this framework.

**Researcher Bias**

There are biases in this research. I am a practitioner-researcher and see things from the protected sphere of the practitioner. There are several opportunities to present findings that could be skewed to my advantage. I have been fully aware of such possibilities, and as such have taken several steps to avoid the threat of bias. For example, I included testimonies from colleagues to verify the accuracy of the vignettes and their outcomes. Merriam (2002) identifies this process as “Member checks” to ensure that the data and interpretations are truly plausible. Another concern which could arise when the researcher has access to a rich source of data is manipulation of the data source or even a specific case, to create a specialized situation. Again, care was taken to ensure that this could not happen — no actual case was ever used. The cases from which
I developed the vignettes occurred during a defined period of time which
terminated several months prior to the commencement of the construction of the
stories.

**Research and Practice Recommendations**

This dissertation presented a two stage framework that could be used by
any student judicial affairs officer. The framework allows for local policies, laws,
codes and institutional by-laws to be used, and it facilitates consistent and fair
decision making. It does not teach policy writing and interpretation, law, or
common sense. It does not replace experience and practical wisdom. It simply
provides a process that guides the practitioner through steps that alert the
decision maker to the key considerations and important aspects of the process
and then requires reflection and justification of the decision.

This work has added to the literature of student affairs profession. It can
help the profession with its reputation of integrity and concern for all aspects of
student and university life by putting forward a transparent and consistent
process for decisions that have considerable impact on our students and
institutions. Society, students and the mandates of educational institutions are
changing. SSAOs and others who are tasked to work with students, to enhance
their academic experience and to help them develop as a whole person, must
adapt and keep pace with the changes. They must learn how to continue
supporting students while responding to the expectations of their institutions.

It is no longer possible for SSAOs to provide this necessary supporting
structure without sharing knowledge and experiences with colleagues. This
study filled a gap in the literature and introduced a new tool, a decision-making framework that will assist SSAOs who must make difficult decisions. It is my intention to present this framework to colleagues at conferences and through publication in related journals. I expect it to be used as a platform in these venues on which we can compare cases — both successes and failures — as we strive to improve our practice in student judicial affairs decision making.

The framework is provided in the appendices (Appendix M) of this dissertation and is offered as an instrument to colleagues. It includes advice on ‘how to use the framework’ and the adaptability of it to local contexts. I invite critiques and refinements to the framework from other SSAOs — with their input, it will continue to improve to become a more useful instrument for those of us faced with the complex, scary, challenging and sometimes bewildering issues in student judicial affairs.
REFERENCES


practice in student affairs (pp. 3-20). Lanham: University Press of America, Inc.
## APPENDICES

**Appendix A: Sample Case Record Log**

<table>
<thead>
<tr>
<th>File #</th>
<th>CR</th>
<th>Date</th>
<th>RE:</th>
<th>Stdnt #</th>
<th>Forwarded by:</th>
<th>Nature of Complaint</th>
<th>Cat</th>
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</thead>
<tbody>
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<td>a</td>
<td>07/10/05</td>
<td>Doug</td>
<td>1234567</td>
<td>Student &amp; Instructor</td>
<td>Threat Accused of threatening fellow student (See 2100b)</td>
<td>V</td>
</tr>
<tr>
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<td>b</td>
<td>07/10/05</td>
<td>Jake</td>
<td>1235555</td>
<td>Student &amp; Instructor</td>
<td>Threat Subject of threat (see 2100a)</td>
<td>V</td>
</tr>
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<td>1222222</td>
<td>Student &amp; Dean</td>
<td>Practicum Grade Appeal</td>
<td>G</td>
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<tr>
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<td>Jen</td>
<td>1233388</td>
<td>Student &amp; Dean</td>
<td>Academic Integrity and Group Work</td>
<td>AI</td>
</tr>
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<td>Student &amp; Dean</td>
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<tr>
<td>2103</td>
<td></td>
<td>06/09/05</td>
<td>Sam</td>
<td>1289998</td>
<td>Instructor &amp; Classmates</td>
<td>Threatening and unusual behaviours</td>
<td>MH</td>
</tr>
</tbody>
</table>
Appendix B: Sample Debarment Letters
(Adapted from original letters with permission of the President of Thompson Rivers University, Dr. Roger Barnsley, personal communication, January 8, 2008)

Office of the President January 25, 2008

PERSONAL AND CONFIDENTIAL

Student Name

Student Address VIA REGISTERED MAIL

Dear Student,

As a result of your conduct on December 13, 2007, I have received a letter from your Dean and the Manager of Student Affairs recommending your suspension from your program at this University. Attached is a copy of the Dean’s letter, the Security Report, the Manager of Student Affair’s report, and your Instructor’s report. Based on the information contained in these materials, it appears that an event has occurred that makes your presence in the classroom a concern. This University is committed to ensuring that its employees and students have a right to work and study in an appropriate educational environment.

I want to give you an opportunity to respond to the allegation made against you before I determine whether or not I have just cause to suspend you pursuant to the provisions of Part 11, Section 61 of the University Act. If you wish to do so, please ensure that any response is in writing and is received by me within one week, which is to say on or before February 1, 2008.

Sincerely,

The President

Enclosures
xc: Vice President Academic
    Dean
    Manager, Student Affairs
    Registrar
PERSONAL AND CONFIDENTIAL

Student Name

Student Address

VIA REGISTERED MAIL

Dear Student,

I wrote to you on January 25, 2008 concerning your conduct on December 13, 2007 in your program at this University. To this date I have not heard back from you. Given this situation I must make a decision in your case.

Due to the serious nature of the incident, documented on December 13, 2007, I have cause to suspend you in accordance with the powers granted to me under Part 11, Section 61 of the University Act.

I wish to also advise you that persons suspended under this section of the University Act has the right of appeal to the senate.

This University is committed to ensuring that its employees and students have a right to work and study in an appropriate educational environment. Your behaviour has unduly and adversely affected that environment, leaving me with no alternative but to impose this suspension.

Sincerely,

The President

xc: Vice-President Academic
Dean
Manager Student Affairs
Senate
December 1, 2004

Behaviour Contract for Jake — Student Number 1235555

This Behaviour Contract has been prepared as a result of a confrontation that occurred during your Archeology Field Trip on November 15, 2004. During this event it was observed that you created an atmosphere of animosity which resulted in a potentially violent confrontation between Doug and yourself. Such acts are not tolerated by Thompson Rivers University.

The Thompson Rivers University Debarment of Students Policy, (ED07-0) states the following:

- It is assumed that a student enrolls at Thompson Rivers University (TRU) out of an interest in furthering his or her education.
- Accordingly, it is expected that students will behave towards TRU staff, fellow students and members of the community in a manner consistent with the goals and professional demeanor of an educational institution. This includes demonstrating a respect for legitimate rights and freedoms of others.
- In the event that TRU considers a student’s behaviour to be inconsistent with this expectation, or considers that a student is not appropriately dedicated to the furthering of his or her own education, then the student’s registration may be suspended or terminated.
The purpose of this Behaviour Contract is to advise you that your recent behaviours have become a concern to your faculty, and to other members of the TRU community. As a result this contract has been created to articulate the university’s expectation of your behaviour and will remain in effect until you graduate. In the event that you do no comply with these expectations, a recommendation for suspension may be forwarded to the Office of the President.

Specifically the following conditions apply:

1. You must attend an orientation session for international students (hosted by TRU and a community member) to learn about the behavioural norms in Canada. It is expected that you become familiar with the laws of Canada and the policies of TRU including those regarding issues such as weapon regulations, threatening behaviours and related activities.

2. You must avoid all contact (direct and indirect) with Doug while on TRU property or during TRU events.

3. You must not act, or incite others to act, in manners inconsistent with TRU policies and expected behaviours.

4. You must refrain from all harassing behaviours, including acts of violence.

5. You must comply with all TRU policies.

I, Jake, have read and understand the terms and conditions of this Behaviour Contract.

Signed: Jake

Signed: Manager of Student Affairs
Appendix D: Statement of General Conduct

GENERAL CONDUCT

1. TRU Authorities do not assume responsibilities which properly rest with adults, parents or guardians. It is the policy of the TRU to rely upon the good sense of students to maintain standards of acceptable behaviour.

2. TRU prohibits any acts by students attending TRU or by anyone else, which might cause harm to any person(s) or damage to TRU property.

3. No liquor shall be brought onto TRU property except when authorized by the President, or his delegate, for approved functions.

Retrieved: December 10, 2007
Appendix E: The Harassment Prevention Policy

HARASSMENT PREVENTION

POLICY NUMBER       ADM 06-0
APPROVAL DATE       FEBRUARY 14, 1998
LAST AMENDMENT      FEBRUARY, 1997
REVIEW DATE         FEBRUARY, 2003
AUTHORITY           ADMINISTRATION COUNCIL
PRIMARY CONTACT     PRESIDENT

POLICY

(I) STATEMENT OF COMMITMENT

It is the policy of Thompson Rivers University (TRU) that all employees and students have a right to work and study in an environment that asserts and supports their fundamental rights, personal worth and human dignity. Under the B.C. Human Rights Act, every person has the right to freedom from harassment, and TRU acknowledges its responsibility in protecting this freedom. TRU will not tolerate harassment in any form, and considers it to be a serious offence subject to a range of disciplinary measures.

(II) SEXUAL HARASSMENT DEFINED
Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational progress or

2. submission or rejection of such conduct is used as the basis for employment or academic decisions affecting that employee or student; or

3. such conduct has the effect or purpose of unreasonably interfering with an employee’s work performance or a student’s academic performance or creating an intimidating, hostile, or offensive working or educational environment.
(III) HARASSMENT DEFINED

Harassment is defined as the abusive, unfair or demeaning treatment of a person or group of persons that has the effect or purpose of unreasonably interfering with person’s or group’s status or performance or creating a hostile or intimidating working or educational environment, when:

1. such treatment abuses the power that one person holds over another or misuses authority; or

2. such treatment has the effect or purpose of offending or demeaning a person or group of persons on the basis of race, colour, ancestry, place of origin, nationality, religion, family or marital status, physical or mental disability, age, sex, sexual orientation, or conviction for a criminal offence; or

3. such treatment has the effect or purpose of seriously threatening or intimidating a person.

(IV) DUE PROCESS AND NATURAL JUSTICE

1. Allegations of harassment shall be dealt with in a fair, unbiased and timely manner. All parties shall be advised of the procedures available to them and persons against whom allegations of harassment have been made shall be advised of the allegations against them, and shall be accorded the opportunity to provide comments in support or defence of their own position.

2. Notwithstanding the foregoing paragraph, the President, upon receipt of compelling evidence, may make a preliminary determination that some specific action of an individual or group in the TRU community has constituted harassment, should cease forthwith, and should be formally investigated. Such a determination shall remain in effect until it is rescinded by the President or the matter is resolved in accordance with the provisions of this policy.
3. This policy and the related regulations recognize the principles of due process and natural justice, and therefore individuals affected by the policy are permitted the support of individuals including legal counsel.

(V) CONFIDENTIALITY

1. Allegations of harassment, particularly sexual harassment, may involve sensitive disclosures. Confidentiality is required so that those who may have been harassed feel free to bring their complaint forward and so that personal and professional reputations may be protected throughout the procedure.

2. Confidentiality, however, must be distinguished from anonymity. It is one of the requirements of natural justice that an individual accused of an offence and subject to sanctions be informed of the allegations; this information may require disclosure of the identity of the complainant. The complainant who chooses mediation or formal investigation must therefore be prepared to be identified.

(VI) TRU JURISDICTION

1. Allegations of harassment by members of TRU in their capacity as members of the University community shall be considered within the jurisdiction of TRU to investigate, whether or not the alleged harassment occurred on campus, whether or not this occurred during working hours, and whether or not the complainant is a member of the University community.

2. It is the intention of this policy that harassment complaints be reviewed and adjudicated in accordance with TRU policy and regulations. However, nothing in this policy or its procedures bars the parties from claiming their rights under other procedures available under the Human Rights Act of British Columbia, other law or collective agreements.

(VII) PROTECTION FROM REPRISAL
No person will discharge, suspend, expel, intimidate, coerce, or otherwise retaliate against a person because that person, in good faith, participates in these procedures. Any such reprisal will be considered harassment under these procedures.

REGULATIONS
(I) RESPONSIBILITIES

1. Senior Harassment Advisor

   a. The Harassment Prevention Policy and Regulations will be administered by the Senior Harassment Advisor.
   b. The Senior Harassment Advisor will report to the President and may be assisted by one or more Harassment Advisors who may be appointed by the President.
   c. The responsibilities of the Senior Harassment Advisor are as follows:
      i) To advance the goals of the Policy and together with the Harassment Advisors, handle initial complaints in harassment cases, and in accordance with the provisions of the Policy refer these cases to the President for a hearing or disposition;
      ii) Co-ordinate the collection of data on the complaints of harassment and their disposition;
      iii) Submit an annual report to the President which will be publicized throughout the University community while maintaining confidentiality where required by the Policy;
      iv) Assist and counsel the Harassment Advisors and provide guidance to the Harassment Prevention Committee;
      v) Together with the Harassment Advisors and Harassment Prevention Committee, promote education on the issue of harassment.

2. Harassment Advisors

   a. The responsibilities of the Harassment Advisors will be as follows:
      i) To forward the goals of the policy and handle initial complaints in individual harassment cases;
      ii) File an annual report with the Senior Harassment Advisor;
iii) Together with the Senior Harassment Advisor and Harassment Prevention Committee, promote education on the issue of harassment.

3. Harassment Prevention Committee

a. The members of the Harassment Prevention Committee shall be members of the University community appointed by the President for two year term, from a pool of candidates submitted by bargaining units, the administrative group, and the student society. The President may also appoint members from other demographic groups constituting the University community.
b. The Chair of the Harassment Prevention Committee shall be a member of the University community, appointed by the President for a two year term.
c. Members of the Harassment Prevention Committee shall be responsible for supporting the Senior Harassment Advisor in advancing educational efforts on the issue of harassment; membership on a rotating basis on hearing panels; and review of the Harassment Policy and Regulations.

(II) ACTION IN THE EVENT OF A COMPLAINT

1. Consultation

A person who believes that s/he has a complaint of harassment or sexual harassment may seek the confidential advice of an Advisor. The Advisor will assist all parties involved in allegations of harassment or sexual harassment in determining the basis, if any, for a complaint under this policy; in formulating the complaint and/or response; and by explaining the options available through University policy and/or collective agreements or law.

2. The Advisor will facilitate and monitor the processing of each complaint. The Advisor will advise all the parties of support services and ensure that they are aware of their rights, including their right to have a friend or advocate with them through all stages of these procedures.

3. Following consultation with an Advisor the complainant has the following options:
i) to proceed to the informal process;
ii) to proceed to the formal process;
iii) to take no further action under these procedures;
iv) to pursue any other course of action available at law, under a collective agreement, or pursuant to other TRU policies and procedures.

(III) INFORMAL PROCESS

1. Initiating a Complaint

a. Any person who believes s/he has been harassed or sexually harassed may submit to the Advisors, either in oral or written form, a complaint alleging sexual harassment or harassment.
b. Informal complaints may be initiated by third parties, including the Advisors, but will not normally proceed through the informal process without the consent of the person or persons alleged to have been harassed or sexually harassed.

2. Informal Resolution

a. Upon the receipt of the complaint, the Advisor will attempt to resolve the complaint through any means s/he deems appropriate to the particular complaint, including fact finding, negotiation, counselling and mediation.
b. The Advisor will normally have one month within which to resolve the complaint.
c. If either the respondent or complainant does not wish to proceed through the informal process, or if the Advisor fails to satisfactorily resolve the complaint, the Advisor will direct the parties to the formal process.
d. The complainant may withdraw the complaint at any time during the informal process.

(IV) FORMAL PROCESS

1. Initiative a Formal Process
a. A written complaint must be submitted to the Senior Harassment Advisor in order to initiate the formal process.
b. The Senior Harassment Advisor will provide the written complaint to the President, who will then initiate an independent investigation of the matter.
c. The Complainant may withdraw the complaint at any time during the formal process with the agreement of the Respondent.

2. Process

An external and neutral investigator shall handle the formal complaint. The investigator shall handle the formal complaint. The investigator shall have the power to fact-find, the power to mediate and to recommend discipline, as necessary, to the President. If the matter remains unresolved, it may proceed to bidding arbitration.

(V) ACTION IN THE ABSENCE OF A COMPLAINT

The President reserves the right to initiate an independent harassment investigation if sufficient cause has been demonstrated to warrant such action.

(VI) GENERAL

1. Time Limits

a. A written complaint and request for formal investigation should be submitted within six months of the date of the last alleged incident of harassment. If the complainant submits evidence that there is reasonable cause for an extension beyond the six months limit, the matter must be referred directly to the President. The President may exercise discretion in waiving the limitation period where s/he is satisfied that waiver of the time limitation is in the best interests of justice. The respondent shall be given the opportunity to challenge the case for such a waiver.
2. Records

a. Except as otherwise provided by these regulations, all records kept under these procedures will be maintained in confidence by the Senior Harassment Advisor.

3. Amendment and Implementation

a. The Harassment Prevention Committee will: i) review from time to time the effectiveness of the Harassment Policy and Regulations; ii) provide TRU with information on the issues of harassment and sexual harassment; iii) be available to the President for consultation regarding the selection of Advisors and the implementation of the Harassment Policy and Regulations.

4. Union and/or Legal Representation

During the formal investigation process, both the complainant and respondent may be accompanied by either union representation or legal representation at any stage of the process.

5. Interpretation

Reference to staff throughout this document relates to both support staff and administrative staff.
POLICY

It is assumed that a student enrolls at Thompson Rivers University (TRU) out of an interest in furthering his or her education.

Accordingly, it is expected that students will behave towards TRU staff, fellow students and members of the community in a manner consistent with the goals and professional demeanor of an educational institution. This includes demonstrating a respect for legitimate rights and freedoms of others.

In the event that TRU considers a student's behaviour to be inconsistent with this expectation, or considers that a student is not appropriately dedicated to the furthering
of his or her own education, then the student’s registration may be suspended or terminated.

REGULATIONS

The President may suspend or expel a student for unsatisfactory conduct, for failure to abide by TRU regulations and/or policies, or for consistent failure to demonstrate adequate effort in the pursuit of educational progress.

Students may appeal suspension or expulsion decisions to the University Council.
POLICY

Course outlines are a contract between Thompson Rivers University (TRU) and the Student. The instructor responsible for teaching a credit course will develop a course outline and submit it to the relevant chairperson prior to commencement of instruction. Evaluation of content should be undertaken as per the process described under the Summative Evaluation. Once the course outline is approved, it is the responsibility of the instructor to distribute it at the commencement of the course and to teach the course as described in the outline.

REGULATIONS

Because of the diversity of courses and delivery methodologies, course outlines may vary in the amount of detail they may contain, but all shall contain the following:

1. A masthead identifying Thompson Rivers University, the department, the Division/Faculty/School, the semester, the course acronym and number, the instructor, and the instructor's office telephone number, location and e-mail address.
2. The course title, number and credit assignment (if any).

3. The vectoring of the course.

4. Calendar description (a brief description, as it will appear in the calendar). Cross-list if appropriate.

5. Course description (optional). When appropriate, faculty should give a more detailed description of the course content than is given in the calendar description.

6. The educational objectives of the course.

7. Prerequisites (if any).

8. Corequisites (if any).

9. A list of required texts and materials/activities entailing costs to students.

10. A brief description of the means (assignments, examinations, tests, quizzes or other forms of student evaluation) by which student performance will be evaluated, and the percentage of the final mark assigned to each evaluation component.

11. A reasonable list of the topics covered in the course. (This may include a detailed list of assigned and recommended readings to be covered.)

12. Special course activities, e.g. field trips, practicum, work experience (if any).

13. Methods for Prior Learning Assessment and Recognition (if any).

14. Use of technology (if any).

In courses which have more than one section, TRU recognizes that individual instructors may choose different means to achieve the same objectives. It is the responsibility of departmental chairpersons to ensure that comparison of curricula, teaching techniques and methods of evaluating students is undertaken on a regular basis so that appropriate differences can be recognized while ensuring that uniform and equitable standards are maintained.
Once an outline has received final approval from the chairperson, the chairperson will store an electronic copy. In the event of an academic appeal by a student, the course outline shall be provided to the Appeal Committee by the Department.
POLICY

I. ‘Mid-term examinations’ are exams held during the instructional portion of the semester, whereas 'final examinations' are those exams held in the formally scheduled examination period which occurs at the end of each semester.

II. Students are responsible for checking the final examination schedule which shall be posted each semester by the Registrar, and for advising the Registrar of any conflicts within the schedule. Attendance at a scheduled final examination is mandatory, and the onus is on the student to seek remedy for a missed final exam.

III. In general, only illness and domestic affliction will be considered as valid reasons for a missed final exam. In cases where, in the judgment of the Registrar, other circumstances clearly beyond the control of the student have led to a missed final exam, consideration may also be granted.

REGULATIONS

I. EXAMINATIONS
1. Mid-term examinations shall be given only in class times as described in the course schedules and shall not exceed the times assigned for each class unless otherwise mutually agreed with the instructor and students.

2. No single mid-term examination shall exceed 30% of the final grade.

3. In the last week of instruction, no course may include an examination which makes up more than 15% of the student's final grade, with the exception of laboratory examinations.

4. A meaningful proportion of course evaluation must be provided to the student prior to the last day to withdraw from a course in each semester.

5. Final examinations shall not exceed 50% of the final grade.

II. **SCHEDULING OF FINAL EXAMINATIONS, SEMESTERIZED COURSES**

1. Final examinations in semesterized courses that make up more than 15% of the final grade shall be scheduled only during the prescribed final examination period. The final exam period shall commence no sooner than 48 hours after the last day of classes.

2. Final examinations in semesterized courses shall be scheduled according to the following general principles:

   a. Exams shall be scheduled to spread the students' exams over the entire exam schedule to provide students with a maximum amount of study time and to provide for the efficient use of the time and space resources available for exam scheduling.

   b. No student will be scheduled so that two exams occur in the same exam session.

   c. No student will be scheduled with three exams in the same calendar day.

3. The general principles will be implemented according to the following operational guidelines:

   a. Faculty with Dean-approved academic activity that cannot be accomplished outside of the exam period shall be accommodated so long as the General Principles are met.
b. Faculty with medical circumstances beyond their control that occur during the exam schedule shall be accommodated as long as the General Principles are met.

c. Faculty requesting common exams for all or some sections of a course shall be accommodated where practical and as long as the General Principles are met.

III. STEPS TO BE TAKEN IN THE EVENT OF A MISSED MID-TERM EXAMINATION

1. In the event a student misses a mid-term examination, the student should:
   a. Contact the instructor prior to the exam, if at all possible, informing the instructor of the particular situation and attempt to reschedule the exam or arrive at another mutually acceptable solution.
   b. Inform the instructor as soon after the missed mid-term examination as possible and attempt to devise a mutually acceptable resolution.

2. Generally, domestic affliction or illness will be accepted as reasons to miss a mid-term examination; however, instructors have latitude to accept other legitimate reasons.

IV. STEPS TO BE TAKEN IN THE EVENT OF A MISSED FINAL EXAMINATION

1. In the event that a student misses a final examination for illness or domestic affliction and wishes to seek a remedy, the student shall report this fact to the instructor within two working days from the date of the scheduled final exam, if s/he wishes to seek a remedy.

2. In the event that a student received prior information that illness or domestic affliction will result in a missed final examination, the student should inform the Registrar immediately.

3. In any case in which a student claims that circumstances beyond the student’s control have caused the student to miss all or part of a final examination or to miss the deadline for requesting a remedy for a missed final examination, the student shall report these circumstances, in writing, to the Registrar as soon as possible after their occurrence.

4. In all cases in which a student seeks remedy for missed final examinations, the Registrar may require a medical certificate or other substantiating documents by way of validation. When, in the judgment of the Registrar, the student’s reason is invalid, the student shall be refused any further remedy. The
Registrar’s decision may be appealed under the **Appeals Policy, ED 4-0.**

5. Upon receipt of a valid reason for a missed final examination, the Registrar shall notify the Department concerned that an application for remedy has been made.

6. In consultation with the instructor and Department Chair, the Registrar will either:

   a. Arrange for a suitable final examination which shall be provided and marked by the appropriate instructional department; or

   b. In exceptional circumstances and after due consultation with the instructor and Department Chair, grant the student a standing in, and full credit for, the course based on the student’s achievement.
POLICY

Thompson Rivers University (TRU) students have an obligation to fulfill the responsibilities of their particular roles as members of an academic community. They are expected to be honest and forthright in their endeavours. Academic integrity is both highly valued and expected.

Apart from the responsibility of the student in not participating in an act of academic dishonesty, it is the responsibility of the TRU staff to take all reasonable steps to educate students regarding academic integrity and to prevent and to detect acts of academic dishonesty. It is an instructor’s responsibility to confront a student when such an act is suspected and to take appropriate action if academic dishonesty, in the opinion of the instructor, has occurred.

REGULATIONS AND PROCEDURES
1. **When an instructor suspects that academic dishonesty has occurred**, the instructor will contact and advise the student concerned that an issue involving academic dishonesty is suspected. The instructor will schedule a meeting with the student and present in writing the allegations, suggested resolution, and the right to appeal. A student may choose to be accompanied by a peer to the meeting. A student has the right to an interpreter at any stage of this process. In the event that the instructor is unable to reach the student, the Chair and/or Dean will be asked to facilitate the contact. If a face-to-face meeting is not possible (e.g. student is out of the region), the student will be notified in writing via email and registered mail. A response from the student must be requested.

2. **If it is determined that academic dishonesty has not occurred**, the case will be dismissed.

3. **If academic dishonesty has occurred and the student accepts the resolution**, the Chairperson will advise the Dean, who will forward the case information to the Academic Integrity Committee and to the Office of Student Affairs. If the student has previously committed academic dishonesty, the Academic Integrity Committee may be required to alter the resolution offered by the instructor. The Academic Integrity Committee will provide the student with information in writing about the allegation, the resolution and the process of appeal. The Office of Student Affairs, the Registrar’s Office and the instructor will receive documentation of the case, the allegation and the resolution.

4. **If the issue remains unresolved**, the instructor will notify the appropriate Chairperson. The Chairperson will call a meeting with the student and instructor and recommend that the student contact the Office of Student Affairs for assistance and/or presence at the meeting.

5. **If the Chairperson is satisfied that academic dishonesty has occurred and there is still no resolution**, the case will be referred to the Dean. If the Dean is unable to resolve the case, the case is referred to the Academic Integrity Committee. Written submissions by both parties may be submitted. All submissions must be received by the Committee within seven days of the Dean notifying the student of the issue. The Academic Integrity Committee will receive and review all relevant documents and determine an appropriate resolution. The Committee may, at its discretion, request a meeting with the student and the instructor. To ensure procedural fairness, both parties must be consulted.

6. Upon receipt from the Dean of a case in which the student has accepted the resolution offered by the instructor, the Academic Integrity Committee will decide if the student has previously committed academic dishonesty.

7. The Committee will administer one of the resolutions listed below:

   **No Sanction:** In the event that the Academic Integrity Committee determines that
dishonesty has not occurred, no sanction will be administered and the student’s file related to the allegation will be destroyed.

**Reprimand:** The Academic Integrity Committee forwards to the student a written warning, stating that the student’s behaviour is unacceptable to TRU. A reprimand is recorded in the Academic Integrity Data Base as a first offence, and may be used only once in a student’s academic career at TRU.

**Reduction of Grade:** The student’s grade may be decreased on an assignment, test or project.

**Other Reparations:** The Academic Integrity Committee may, in consultation with the instructor, Chairperson and/or Dean recommend other reparations as deemed appropriate (e.g. essay related to topic, resubmission of assignment, etc).

**Failure of Course:** The student is assigned an “F”. In the case of an “F”, a student may not withdraw from the course nor receive a refund. An “F” will appear on the student’s transcript.

**Repeat Offence:** In the event that a student is found to be a repeat offender of the Academic Integrity Policy during his or her academic career at TRU, then the student will receive a failing grade for that course, and the Academic Integrity Committee may recommend to the President the suspension of the student from TRU.

8. **Right of Appeal** - As per Policy ED 4-0: Appeals, the student shall be informed of his or her right to appeal the allegation and/or the sanctions at the time that the student receives the notice of infraction and sanction by the Academic Integrity Committee.

9. **Record of Decision** – The Academic Integrity Committee will retain a record of decisions pertaining to the student for a period of 10 years after the last known contact with the student.

10. **Education** – The Academic Integrity Committee has a role to educate faculty on issues and standards relative to academic integrity. This may take the form of workshops, websites, guest speakers or attending faculty meetings to make presentations. The Committee will provide case scenarios and resolutions to assist faculty in determining appropriate actions.

11. The Academic Integrity Committee shall be comprised of one representative from Student Affairs, five faculty, one Dean, and two students.
I. FORMS OF ACADEMIC DISHONESTY

1. **Cheating**

Cheating is an act of deception by which a student misrepresents that he-or she has mastered information on an academic exercise that the student has not mastered. Examples:

a. Copying from another student’s test paper or assignment.
b. Allowing another student to copy from a test paper or assignments.
c. Using the course textbook, electronic devices, or other material such as a notebook brought to a class meeting but not authorized for use during a test.
d. Collaborating during a test with any other person by receiving information without authority.
e. Using specifically prepared materials during a test (e.g. notes, formula lists, etc.).

2. **Academic Misconduct**

Academic misconduct is the intentional violation of TRU academic policies and procedures by tampering with grades, taking part in obtaining or distributing any part of an unadministered test, or by other means of academic deception not explicitly identified in other sections of this policy. Examples:

a. Stealing, buying, or otherwise obtaining all or part of an unadministered test or document through the internet.
b. Selling or giving away all or part of an unadministered test including answers to an unadministered test.
c. Bribing any other person to obtain an unadministered test or any information about the test.
d. Entering a building or office for the purpose of changing a grade in a grade book, on a test, or on other work for which a grade is given.
e. Changing, altering, or being an accessory to the changing and/or altering of a grade in a grade book, on a test, a “change of grade” form, or other official academic records of TRU which relate to grades.
f. Entering a building or office or otherwise viewing a test for the purpose of obtaining or examining an unadministered test.
3. **Fabrication**

Fabrication is the intentional use of invented information or the falsification of research or other findings with the intent to deceive. Examples:

a. Listing sources in a bibliography not used in the academic exercise.

b. Inventing data or source of information for research or other academic exercise.

c. Submitting as one’s own any academic exercise (e.g. written work, printing, sculpture, etc.) prepared totally or in part by another.

d. Citing information not taken from the source indicated.

e. Taking a test for someone, or permitting someone to take a test for the registered student.

4. **Plagiarism**

Plagiarism is the inclusion of someone else’s words, ideas or data as one’s own work. When a student submits work for credit that includes the words, ideas or data of others, the source of that information must be acknowledged through complete, accurate, and specific footnote references, and, if verbatim statements are included, through quotation marks or block format. By placing his/her name on work submitted for credit, the student certifies the originality of all work not otherwise identified by appropriate acknowledgements.

A student will avoid being charged with plagiarism if there is an acknowledgement of indebtedness:

a. Whenever one quotes another person’s actual words;

b. Whenever one uses another person’s idea, opinion or theory, even if it is completely paraphrased in one’s own words; and

c. Whenever one cites facts, statistics, or other illustrative materials from a published source or a lecture when that material is not considered common knowledge.

d. Citing facts, statistics or other illustrative materials considered to be common knowledge is not considered plagiarism.

II. **FINAL EXAMS**
1. **Role of the instructor**

Because of the special relationship that exists between an instructor and his or her students, the basic responsibility for taking reasonable precaution to prevent academic dishonesty shall rest with the instructor or instructors in charge of a particular course or program. As well as maintaining the security of final examinations, the instructor must, of necessity, assume responsibility for taking all reasonable steps to detect academic dishonesty in all forms of course or program assessment in the courses or programs for which he or she is responsible.

Each instructor, subject to Policy ED 3-9: Examinations, Regulations II.2.a), is responsible for the invigilation of his/her scheduled exams, at the time and place indicated in the final exam schedule. Any additional invigilators that may be required are to be accessed by the instructor involved and their respective Chairperson.

Invigilators are responsible for taking reasonable precautions to prevent cheating in that examination. Invigilators must also check the room for possible security problems both before the students enter the room and again after the examination is complete.
Appendix J: Appeal Policy

THOMPSON RIVERS UNIVERSITY

APPEALS

POLICY NUMBER ED 4-0
APPROVAL DATE OCTOBER 27, 1999
LAST AMENDMENT NOVEMBER, 1993
REVIEW DATE NOVEMBER, 2004
AUTHORITY UNIVERSITY COUNCIL
PRIMARY CONTACT REGISTRAR

POLICY

I. GENERAL

Thompson Rivers University (TRU) recognizes that although most students experience no concerns regarding their education, some occasionally experience problems with interpretations of TRU policy or procedures by TRU staff. While most differences can be resolved by an open and frank discussion with the people concerned, a process is required whereby students may bring forward for formal review, matters that have not been resolved to their satisfaction.

An appeal is an internal hearing for the purpose of reviewing and resolving matters of concern raised by students.

1. TRU therefore recognizes the right of students to appeal:

   i. Decisions on grades;

   ii. Decisions on the application of policies, procedures and regulations; and
iii. Perceived unethical conduct by TRU staff or other students.

2. In general, a student (the appellant) should attempt to resolve a concern by discussing the situation as follows:

i. With the person with whom the concern originated (the respondent);

ii. If the concern is not resolved, then with the person at the next highest level of responsibility (normally a Department Chair);

iii. If still unresolved, with the Dean or Divisional Director;

iv. If the issue remains unresolved, then the student may commence an appeal in accordance with the appeal procedure set out in the Appeals Regulations.

The process of appeal is student-initiated and can be terminated at any time by the student.

Save under exceptional circumstances that in the opinion of the President of the University affect the welfare of a number of students, the process outlined in this policy and its attendant regulations shall be followed.

Appeal hearings shall be closed meetings, and all parties to the appeal shall ensure confidentiality of all information reviewed and discussed during the hearing.

Within 14 days of receiving an Appeal Committee decision, either the appellant or respondent may make a final appeal to the President. Grounds for such appeals shall be limited to denial of natural justice or violation of due process as set out in this Policy and Regulations. The decision of the President shall be final and binding. Notwithstanding this Policy, suspensions of students may be appealed to the University Council as set out in the Thompson Rivers University Act.

II. APPEAL COMMITTEE MEMBERSHIP

1. A standing Appeal Committee Panel shall be reviewed annually by the University Council. The Panel shall be established by October 1 and shall comprise:

i. one faculty member from each instructional division, appointed by the Dean of the division;

ii. one student from each instructional division, appointed by the Cariboo Student Society.

Each electing group shall employ principles of gender equity.

2. To hear an appeal, an Appeal Committee shall be convened by the Registrar. The Committee shall consist of:
i. the Registrar or the Registrar’s delegate, who shall serve as non-voting Chair;

ii. two students, drawn at random by the Chair from the student membership of the Appeal Committee Panel;

iii. two faculty members, drawn at random by the Chair from the faculty membership of the Appeal Committee Panel.

3. No Panel Committee member shall serve on an Appeal Committee if he or she is currently a student or faculty member in the Department with which the appeal is concerned, is an instructor of the student whose appeal is to be heard, or may otherwise by perceived to be in conflict of interest, as determined by the Chair of the Appeal Committee in accordance with TRU policy.

4. In the event that an insufficient number of Panel members are eligible to serve on an Appeal Committee, the Chair shall request additional faculty members from the instructional divisions or students from the Cariboo Student Society.

5. An Appeal Committee quorum shall consist of all five committee members.

6. Appeal Committee decisions shall be by majority vote. In the event of a tie, a new Committee shall be struck to re-hear the Appeal. Other than the Chair, no member of the new Committee shall have served on the earlier Committee.

7. Ad Hoc Appeal Committees shall be struck by the Registrar as required for appeals at the Williams Lake campus. Each Ad Hoc Committee will consist of:

i. the Registrar or the Registrar’s delegate, who shall serve as non-voting Chair;

ii. two students, appointed by the Dean, Williams Lake Campus; and

iii. two faculty members, appointed by the Dean, Williams Lake Campus.

All other rules and procedures shall be as set out above.

III. VOTING

Each member of the Appeal Committee, with the exception of the Chair, shall have one vote in rendering a decision.

IV. LENGTH OF TERM

Membership on Appeal Committee Panels normally shall be for a period of two years. Terms of service shall be arranged such that one-half expire as of September 1 in each academic year.
REGULATIONS

I. PROCEDURE

1. If a student is unsure whether a certain concern, action or decision can be appealed, the matter should be discussed with either a Counsellor or the Vice-President, Student Affairs. Appropriate recommendations will be made and the student can then take action as he or she desires.

2. Appeals under the terms of the Appeals Policy must be made to the Office of Student Affairs. Appeals must be submitted in writing, together with a $25.00 fee, within seven working days of the decision or action that is being appealed. The letter shall state the nature of the appeal and a suggested resolution. The appeal fee will be refunded if the appeal is allowed and will be forfeited if the appeal is denied.

3. Upon receipt of a letter of appeal, and after ensuring that Part 2 of the GENERAL section of the Appeals Policy has been met, the Vice-President, Student Affairs will convene an Appeal Committee.

4. Within two working days of determination that an Appeal Committee will be convened, the Vice-President, Student Affairs will establish an Appeal Committee, organize files of relevant material for each Committee member, pass the request for appeal to the Chair of the Committee and forward a copy of the student’s appeal letter to the respondent.

5. Within two working days of the establishment of an Appeal Committee, the Appeal Committee Chair will undertake to schedule an Appeal Hearing, taking into account the schedules of all people required to attend. The initial meeting normally will be arranged within two weeks. The Chair will assume responsibility for convening all meetings until the appeal has been terminated.

6. The appellant and respondent may bring witnesses to the Appeal Hearing. Participation of witnesses shall be limited to providing evidence and responding to questions from the Appeal Committee. Witnesses may be present at the Hearing only when providing evidence or responding to questions from the Appeal Committee.

7. Each appellant or respondent may bring one support person to the Appeal Hearing. Support persons may not be present at the table and shall not participate in the appeal unless called on by the Chair to do so.

8. All parties to the appeal shall be present at the Appeal Hearing.

9. The Appeal Hearing shall proceed as follows:

   i. An initial briefing and review of the case by the Committee members;
ii. Presentation of the case by the appellant;

iii. Presentation of information by the respondent;

iv. Subsequent re-examination of either party or any witnesses if required.

10. Neither the appellant nor the appellee shall have the right to representation by legal counsel during Appeal Hearings.

11. The Appeal Committee Chair shall be responsible for keeping official records of Appeal proceedings. Only the Chair shall be permitted to make audio or video recordings of Appeal proceedings.

12. Following a decision by the Appeal Committee, the Chair shall notify the appellant and respondent in writing of the decision, including a brief rationale for it.

13. The Registrar will retain a permanent appeal file, containing the official record of proceedings all referenced documents and a copy of the letter notifying the appellant and respondent of the Appeal Committee decision. Original documents will be returned to their respective owners and all other materials, including copies of Appeal Committee file material will be destroyed after a period of ten (10) days.

II. GUIDELINES

1. The Appeal Committee shall decide impartially and fairly whether an appeal shall be allowed or denied.

2. Each appeal shall be considered independently and on its merits.

3. At no time should the Committee deal with any matter outside the specific concerns set out in the request for appeal.

4. All information reviewed and discussed during an appeal shall remain confidential.

5. In addressing the appellant’s specific concern(s), the Appeal Committee should feel free to direct the parties to provide and produce additional material or witnesses directly related to the appeal.

6. Save in exceptional circumstances, the Appeal Committee will render its decision within ten working days of the written request for appeal. Time being of the essence, the Appeal Committee will do its utmost to reach a majority decision.

7. The Appeal Committee has the right to offer to the respondent or appellant, suggestions for change to the original (appealed) action or decision, but neither party is bound by such suggestion.
Appendix K: BCTF Code of Ethics

Code of Ethics

The Code of Ethics states general rules for all members of the BCTF for maintaining high standards of professional service and conduct toward students, colleagues, and the professional union.

1. The teacher speaks and acts toward students with respect and dignity and deals judiciously with them, always mindful of their individual rights and sensibilities.

2. The teacher respects the confidential nature of information concerning students and may give it only to authorized persons or agencies directly concerned with their welfare.

3. The teacher recognizes that a privileged relationship with students exists and refrains from exploiting that relationship for material, ideological, or other advantage.

4. The teacher is willing to review with colleagues, students, and their parents/guardians the quality of service rendered by the teacher and the practices employed in discharging professional duties.

5. The teacher directs any criticism of the teaching performance and related work of a colleague to that colleague in private, and only then, after informing the colleague in writing of the intent to do so, may direct in confidence the criticism to appropriate individuals who are able to offer advice and assistance. (See note following #10 and statement 31.B.12.)

6. The teacher acknowledges the authority and responsibilities of the BCTF and its locals and fulfills obligations arising from membership in his/her professional union.

7. The teacher adheres to the provisions of the collective agreement.

8. The teacher acts in a manner not prejudicial to job actions or other collective strategies of his/her professional union.

9. The teacher neither applies for nor accepts a position which is included in a Federation in-dispute declaration.

10. The teacher, as an individual or as a member of a group of teachers, does not make unauthorized representations to outside bodies in the name of the Federation or its locals.

NOTE: It shall not be considered a breach of Clause 5 of the Code of Ethics for a member to follow legal requirements or official protocols in reporting child protection issues.

Source: British Columbia Federation of Teachers (2008).
Appendix L: Principles of Procedural Fairness

Whenever the legal rights of an individual may be affected by officials exercising legal decision-making authority, there is an expectation that the decision will be made in accordance with the principles of “procedural fairness” and “natural justice”. These principles encompass the following elements:

- if a decision-maker (e.g., a principle or authority) is intending to consider a matter which may affect a person’s rights, that person should be informed of the matter;

- The person should be given a reasonable opportunity to make oral or written submissions to the decision-maker on the matter being considered;

- The person is entitled to know and answer the case against them, that is to say, be informed of and be given the opportunity to respond to all information submitted which might influence a decision, prior to the decision being made;

- The person should be told the reasons for the decision;

- The decision-maker should act in a manner which is unbiased, fair and open-minded.

Appendix M: A Decision-Making Framework for SSAOs

This Decision-Making Framework was developed for use by Student Judicial Affairs Officers. It is local in context, but easily is adaptable to other institutions — it may be that policies differ, that areas of responsibilities are contrary to those here — but the concept remains the same. A series of questions which aid the SSAO to develop at least two courses of action is first presented. The choices are considered, and one is selected. Prior to acting on the choice, the course of action is tested for fairness, safety, precedence, integrity and learning opportunities.

While such a framework should ensure consistency and fairness, it does not replace experience and practical wisdom. I hope it will stimulate dialogue about cases and subsequent courses of action experienced by SSAOs within the profession, and that by doing so, will provide opportunities for each one of us to become better decision makers.

And finally I would be remiss if I did not acknowledge that the inception for this framework came from two sources. Levy and Kozoll’s (1999) book “A Guide to Decision Making in Student Affairs”, and Nash’s (2002) work on “Real World Ethics: Frameworks for Educators and Human Service Professionals” provided the building blocks for my framework. I am grateful for their contribution to the literature on decision making.
A Decision-Making Framework for Student Judicial Affairs.
Stage 1: Developing a Course of Action

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<tr>
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<tbody>
<tr>
<td>1</td>
<td>Who brought the case forward and what background information regarding the case is needed to safely resolve the issue?</td>
<td>The urgency of developing a course of action may vary depending on by whom and how the case comes forward, and whether or not anyone’s safety is at risk. Documentation of names, dates and verbatim accounts is important at this stage.</td>
</tr>
<tr>
<td>2</td>
<td>Why is this case relevant to student judicial affairs?</td>
<td>Jurisdiction for determining a course of action should be established early in the process; The potential for harm should be investigated and a threat assessment initiated if appropriate.</td>
</tr>
<tr>
<td>3</td>
<td>Who are the participants?</td>
<td>It is important to find out who was involved, both directly and indirectly. Written statements (dated and signed) are important to acquire as soon as possible. It is both useful and important to understand relationships between the participants.</td>
</tr>
<tr>
<td>4</td>
<td>Where did the events of the case arise?</td>
<td>Consider, for example, the complexities of an issue that occurs off campus, perhaps during a practicum, versus one that occurs in a classroom. Student behaviours and actions occurring during off campus activities may be subjected to rules, restrictions and other expectations which may differ from those of the institution.</td>
</tr>
<tr>
<td>5</td>
<td>When did the events of the case arise?</td>
<td>Some consideration should be given to when within the academic term the incident occurred. For example, the recommended course of action for a student who is one month away from graduation and has never been involved in a previous incident may be different than the course of action for the student who is only one month into his or her academic career.</td>
</tr>
<tr>
<td>6</td>
<td>Which internal policies, codes or guidelines, if any, are relevant to this case?</td>
<td>The course of action must comply with, or be supported by, internal policies codes and guidelines.</td>
</tr>
<tr>
<td>7</td>
<td>Which external policies, codes or laws, if any, are relevant to the case?</td>
<td>All federal and provincial laws supersede institutional regulations. However sometimes policies and codes of practicum sites and other student placement locations do not apply.</td>
</tr>
<tr>
<td>8</td>
<td>What courses of actions are possible?</td>
<td>Consider at least two possible courses of action, their sanctions and remedies including other institutional processes such as the appeal process and the academic integrity process.</td>
</tr>
<tr>
<td>9</td>
<td>What course of action is recommended?</td>
<td>Carefully determine which course of action suits the situation. Include the sanctions and remedies. Previous involvement of the student in other problem situations should be considered.</td>
</tr>
<tr>
<td>10</td>
<td>What are the primary reasons for selecting the course of action?</td>
<td>Consider all the reasons, including timing, relevant policies, laws, codes, and the type of incident for the course of action being selected.</td>
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A Decision-Making Framework for Student Judicial Affairs.
Stage 2: Testing the Recommended Course of Action

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<tr>
<td>1</td>
<td>Will the recommended course of action violate any Principles of Procedural Fairness?</td>
</tr>
<tr>
<td>2</td>
<td>Will the recommended course of action create an undesirable precedent?</td>
</tr>
<tr>
<td>3</td>
<td>Are there any students who are disadvantaged by this course of action?</td>
</tr>
<tr>
<td>4</td>
<td>Is there any potential harm in taking this course of action to either those directly or indirectly involved, or to the community at large?</td>
</tr>
<tr>
<td>5</td>
<td>Will the course of action negatively impact the integrity of the program or the institution?</td>
</tr>
<tr>
<td>6</td>
<td>Will the course of action negatively impact the reputation of the institution?</td>
</tr>
<tr>
<td>7</td>
<td>Will the course of action advantage me or my office in any way?</td>
</tr>
<tr>
<td>8</td>
<td>Are there any other factors that should be considered before a course of action is taken?</td>
</tr>
<tr>
<td>9</td>
<td>Has the opportunity to promote student learning been missed?</td>
</tr>
<tr>
<td></td>
<td>The Course of Action should be inclusive of the opportunity to provide education regarding policy, laws, culture and other involved aspects of the decision. When ever possible there should be directives in the resolution which enhance the learning possibilities.</td>
</tr>
<tr>
<td>10</td>
<td>Does the ‘Test of the Course of Action’ reveal any flaw in the decision?</td>
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**Note:** If the answer is “yes or possibly” to any of these questions, then this may be considered a potential ‘flaw’ in the course of action and another course of action may be needed and/or further analysis required.

For all questions, a rationale for the response must be provided.