Student Discipline Intervention Strategies:
A Case Study of Two Institutions' Processes Utilized to Resolve Misconduct of Students Who Concomitantly Experience a Mental Health Crisis

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Doctor of Philosophy

Gary G. Dickstein
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This dissertation titled

Student Discipline Intervention Strategies:
A Case Study of Two Institutions' Processes Utilized to Resolve Misconduct of Students
Who Concomitantly Experience a Mental Health Crisis

by

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Abstract

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Student Discipline Intervention Strategies: A Case Study of Two Institutions' Processes Utilized to Resolve Misconduct of Students Who Concomitantly Experience a Mental Health Crisis

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This study contributes to the research regarding processes and procedures utilized by two institutions of higher education to respond to students who participate in inappropriate behavior and who are concomitantly experiencing a mental health crisis. A case study analysis of two institutions of higher education was used to examine this issue. The institutions studied were located within the Midwest and Southern regions of the United States.

Qualitative methodologies including document review, observation and interviews were conducted on each campus studied. Interviews with four professional staff members were conducted from each campus and transcribed. The data obtained was first separated by institution and then using a cross case analysis approach, similarities and dissimilarities were identified and discussed.

Multiple common themes were discovered during this study. There is a need for institutions to have available a comprehensive set of processes and procedures that can withstand a legal challenge as well as provide multiple options for addressing student misbehavior. The positive impact of a multidisciplinary crisis response team that is well trained, trusting and collaborative was also realized. Furthermore, the necessity for
administrators to be keenly aware of legal renderings such as student privacy issues and under what circumstances it is appropriate to release information to others was also identified in this study. Finally, the need to commit the time and resources necessary to developing a systemic approach to resolving incidents where students misbehave and are also concomitantly experiencing a mental health crisis was verified.

Recommendations for practice and areas for future research are also included.

Approved: _____________________________________________________________

Peter C. Mather

Assistant Professor of Counseling and Higher Education
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Chapter 1: Background of Study

Over the past several years there has been a sharp increase in the attention given to the mental health and wellness of students who are attending colleges and universities. “It is widely believed that the prevalence and severity of college student mental health concerns has been on the rise… This increase has been particularly noteworthy in the last 10 to 20 years” according to research conducted by the Center for the Study of Collegiate Mental Health (2009, p. 11). In an effort to address the complex challenges of students who behave inappropriately and are experiencing a psychological crisis, significant debate has taken place and continues today regarding the identification of the most appropriate method(s) for handling such incidents.

There have been a number of recent, highly publicized acts of violence on college campuses. The multiple casualties suffered as a result of the shootings at Virginia Polytechnic Institute and Northern Illinois University (both reviewed in detail below) provided the impetus for college and university administrators across the country to focus their immediate attention on campus safety and student mental health issues. The violent acts perpetrated by individuals who had previously been diagnosed with a mental health illness (or illnesses), have led colleges and universities to take several steps to attempt to reduce future incidents of violence. Discussions have, and are still taking place today to determine when it is most appropriate to share information that is contained in a student’s educational record with other stakeholders. Universities have hired more therapists in their counseling centers. There has been an increase in the use of threat assessment tools
to determine the level of imminent threat a student may pose, and institutions have created crisis response teams to manage student incidents of a serious nature.

Regardless of the research that supports “a majority of college students are not at risk of harming themselves or someone else” (Center for the Study of Collegiate Mental Health, 2009, p. 12) and “the vast majority of the nation’s students will complete their schooling without ever being touched by peer violence,” the violent attacks that have occurred on campuses has shaken the image of colleges and universities as safe and secure environments (Fein, Vossekuil, Pollack, Borum, Modzeleski, & Reddy, 2002, p. 3). If preventative measures are not taken to guard against such attacks, they seem likely to increase. These attacks have created a heightened awareness of the need to enhance communication and collaboration amongst multiple departments across each college campus when responding to the mental health concerns of their students, faculty and staff. The development of comprehensive policies and procedures for managing a psychologically impaired student, particularly when a mental health crisis erupts, is essential to achieving the safest and secure campus possible.

On April 16, 2007, Seung Hui Cho, a student at Virginia Polytechnic Institute, shot and killed 32 faculty and students. During the incident, 17 were injured. Not even 14 months later, on February 14, 2008, Steven Kazmierczak, a former student at Northern Illinois University (NIU) in DeKalb, Illinois, shot and killed six members of the NIU community and injured 18 more during his rampage that took place in an auditorium classroom.
Common themes appear to be present in both tragedies that underscore the need for colleges and universities to have processes and procedures in place to assess and manage the needs of students who may be suffering from a mental health illness. Each individual who committed these violent acts was documented as having had a pre-existing history of mental health issues. Additionally, each had received psychological services prior to each shooting. Compounding the problem was the fact that, at least at Virginia Tech, employees were uncertain about what information pertaining to the student could be shared with other university personnel (Commonwealth of Virginia, Report of Review Panel on mass shootings, 2007, p. 2).

Excerpts taken from the Report of the review panel on the mass shootings at Virginia Tech (August, 2007) included disturbing historical information about the killer, Seung Hui Cho. The subsequent investigation uncovered numerous issues, but specifically included the following information pertaining to Cho’s mental health history:

Cho exhibited signs of mental health problems during his childhood. His middle and high schools responded well to these signs and, with his parents' involvement, provided services to address his issues. He also received private psychiatric treatment and counseling for selective mutism and depression. . . .

In 1999, after the Columbine shootings, Cho’s middle school teachers observed suicidal and homicidal ideations in his writings and recommended psychiatric counseling, which he received. It was at this point that he received medication for a short time. Although Cho’s parents were aware that he was troubled at this
time, they state they did not specifically know that he thought about homicide shortly after the 1999 Columbine school shootings.

During Cho's junior year at Virginia Tech, numerous incidents occurred that were clear warnings of mental instability. Although various individuals and departments within the university knew about each of these incidents, the university did not intervene effectively. No one knew all the information and no one connected all the dots.

Similar to Cho, Steven Kazmierczak had also suffered from mental health illness since early childhood. Authors Abbie Boudreau and Scott Zamost in their article, Secret files reveal NIU killer’s past (2008) reported Kazmierczak’s longstanding psychological instability and involvement with mental health providers. They wrote:

Kazmierczack had a history of attempted suicides and was hospitalized nine times for psychiatric issues before 2001. [Additionally], he spent three years at Thresholds, a psychiatric center in Chicago, according to psychiatric records [and in addition to his hospitalization in Chicago], Kazmierczak also had had multiple other hospitalizations and suffered from impulsive behavior and suicidal gestures. His former girlfriend also reported that Kazmierczak discontinued taking medication just before the shootings (n.p.).

These incidents of violence have heightened awareness of the need to have safer college campuses, and place an increased emphasis on the development of campus-wide emergency responses and assessment protocols. Additionally, university resources have been reallocated to hire additional police and counseling center employees, and most
campuses across the country have now established critical incident response teams (Fein, Vossekuil, Pollack, Borum, Modzeleski, & Reddy, 2002; Koltko-Rivera; 2007, Pavela, 2008). This phenomenon suggests that today, more than ever, colleges and universities are intensely focusing on ways to successfully identify and respond to students who may be experiencing a decline in their mental well being or experiencing a full blown psychological crisis.

College Students and Mental Health Illness

Administrators on college campuses who work closely with students on a daily basis should not be surprised to learn that the number of students who are coming to campus with a pre-existing mental health illness has significantly increased (Benton, Robertson, Tseng, Newton, and Benton (2003), Dickstein & Nebeker (2008) & Gallagher (2004). The results from additional studies support this trend. As cited by Benton, Robertson, Tseng, Newton, and Benton (2003), a psychologist at Kansas State University who examined trends among college students seeking mental health counseling discovered that the percentage of students seen with depression had doubled and the number of students seen with suicidal ideation had tripled within the last 13 years. Another study conducted by the American College Health Association (ACHA) in 2006 contained data that within the last 12 months “35.5% of all college students reported feeling [at least once or as many as 10 times] so depressed at some point in time that they had trouble functioning” (American College Health Association Survey, 2006, p. 13). Furthermore, the results of the National Survey of Counseling Center Directors showed “91.6% of directors who responded believed that there is an increase in the
number of students coming to campuses that are already on psychiatric medication” (Gallagher, R. P., 2006, p. 5). Furthermore, the same survey also reported that “92% of directors believe the number of students with severe psychological problems has increased in recent years” (Gallagher, R. P., 2006, p. 5).

When students suffer from psychological illness and engage in inappropriate behavior, an effective resolution can be very complex and produce a significant drain on university resources. Each incident presents its own unique set of challenges to resolve. Should an institution use its existing disciplinary process or some other mechanism to resolve the incident? What, psychological difficulties, if any were pre-existing before the student enrolled and are new difficulties manifesting themselves now? Is it appropriate to contact the student’s parents or will that exacerbate the problem (Dickstein and Nebeker, 2008)? What information should be shared about the student and with whom should it be shared? Is the student a potential threat of harm to self or others? The potential list of issues to manage can feel overwhelming for any administrator who is responsible for resolving such incidents.

**Mental Illness and Retention**

Mood disorders such as depression and anxiety, as well as other mental health illnesses, can have a negative impact upon students and cause them to struggle to succeed, both socially and academically (Backels & Wheeler, 2001; Kadison & DiGeronimo, 2004). In fact, “academic advisors find that mental health issues interfere with student success more than ever before” (Harper & Peterson, 2005, para. 1). It is certainly understandable to imagine when a student is experiencing mental health
difficulties, their academic success may suffer. In the absence of any intervention, many may be forced to drop out of school due to poor performance. However, the advancement of psychotropic medications used to treat conditions such as bi-polar, depression, mood swings, and anxiety disorders has resulted in an increased number of students being on campus who take prescription medications, and actually thrive (Kadison & DiGeronimo, 2004).

New medications support the student’s ability to maintain psychological stability in order to attend school. In the past, this may not have been possible. When taking medication as prescribed, most students are able to cope with their illness and as a result, do not behave inappropriately. However, some students appear to be lured into a false sense of complacency by their medication, so they stop taking it because they begin to “feel fine off the medication and decide they don’t need it anymore” (Kadison & Digeronimo, 2004, p. 250). It is at these times when a student fails to follow his or her doctor’s orders that inappropriate behavior may start to manifest itself and the challenges for both the student and administrator may begin.

**Mental Illness and Discrimination**

Over the years, there have been great strides made to protect and retain students who suffer from disabilities, psychological or otherwise. The passing of legislation such as the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act provide protection to students who feel they have been discriminated against due to their disability. The rights provided to students as a result of these legal renderings gives
recourse to students who believe they have been forced to leave school solely on the basis of their disability.

A student participating in inappropriate behavior and concomitantly having a mental health crisis can lead to administrators feeling apprehensive about approaching the student and concerned about the possible threat of violence occurring. It is during such times, the administrators need to confront the behavior directly and follow their processes and procedures to insure they are not just “getting rid of the student” because they have a disability.

**Purpose of the Study**

The purpose of this study is to identify, compare, and contrast procedures used by two public four year institutions of higher education to resolve incidents which involve students who misbehave and are concomitantly experiencing a mental health crisis. Exploring how student behavioral issues and numerous factors of distress manifest themselves together will assist administrators in resolving and possibly preventing violent incidents of this nature in the future. The consequences of not having a coordinated and comprehensive set of processes and procedures in place to help a student in distress can be disastrous for both the student and institution (Dickstein & Nebeker, 2008). Through the appropriate resolution of such incidents, both the student and the institution can benefit.

The findings derived from this research may inform policy and practice within participating institutions and offer ideas for other universities.
Research Questions

In this study, I studied the institution’s procedures used to resolve misconduct of a student who is concomitantly experiencing a mental health crisis, and to identify the necessary characteristics associated with the establishment and use of such procedures. To accomplish this goal, the following research questions were developed.

1. How do organization characteristics (e.g., sharing of information, interpersonal relationships, etc.) impact the way the institution resolve such incidents?
2. How have the educational experiences of administrators who resolve these incidents shaped their perceptions of how to best resolve these types of incidents?
3. Have previous experiences of administrators who respond to student crises impacted their belief about how to best resolve these types of incidents?
4. What current state or federal laws have influenced the creation and implementation of each institution’s current process?
5. How are policies and procedures influenced by the institution type, geographic region, and ongoing training that are made available to faculty, staff and students?

Significance

Effective processes are needed to address students who participate in behavior that violates their institution’s Code of Student Conduct and who are concomitantly experiencing a mental health crisis. This study will assist in the obtainment of data that identifies and creates a more thorough understand of how characteristics of a holistic process (e.g. relationships, trust, collaboration, information sharing, etc…) can influence the creation of policy. The results of this study will add to the findings from both the
NIU and Virginia Tech task forces and can contribute to the discussion when an institution is creating or revising policy which may ultimately help avoid tragedies like the shootings at NIU and Virginia Tech from happening in the future.

Finally, a significant result of this study will be the development of recommendations essential for colleges and universities to create or revise policy and effectively manage incidents of misbehaviors of students who are also experiencing a mental health crisis.

**Context of the Study**

In projects such as this, researchers make choices regarding the specific focus for their studies. In qualitative research, there is recognition that these choices can limit the ability to generalize the findings of the study. On the other hand, the context becomes an important and enriching aspect of the study, highlighting how the particularities of a given environment shape the phenomenon being studied. Accordingly, in Chapter 3 and again in Chapter 4, I describe the two institutional contexts of this study in detail. By doing so, I am acknowledging the importance of how unique aspects such as policy environment, interpersonal histories and relationships, and institutional history shape the ways in which the phenomenon of interest manifests.

In addition to the institutional contexts, I also would like to highlight two other facets of this study: the choice I made regarding legal context and a statement of how my professional identity and background play into this study.

1. The review of the legal implications will be restricted to student privacy and disability law.
2. Because of my eleven years of direct experience as a conduct administrator and my previous knowledge and training surrounding this topic, I have developed specific opinions (biases) which have impacted my beliefs regarding the necessary elements that should exist when creating a sound protocol to respond to incidents of this nature. These biases are addressed in more detail in my reflexive statement on page 50, and the process for managing biases are included in a discussion of credibility and trustworthiness on pages 49 and 50.

**Rationale for Qualitative Case Study**

According to Merriam (1998), the qualitative case study approach is “prevalent throughout the field of education” (p. 29). It allows the researcher to obtain “an intensive, holistic description and analysis of a single instance, phenomenon or social unit” (p. 27). A case study approach also allows the researcher to answer questions about why a phenomenon may take place (Yin, 2009). Currently, not enough is known about why institutions choose to manage incidents of this nature in the manner they do. Moreover, the answer is also not known as to what is the most appropriate method of resolution of such incidents.

Qualitative research offers the opportunity to obtain a “thick description” of the issue being studied. Denzin (1988) defines thick description as “description that goes beyond the mere or bare reporting of an act (thin description), but describes and probes the intentions, motives, meanings, contexts, situations and circumstances of actions” (p. 39). A “thick description” is needed to identify and explore the essential themes and
concepts within issues of student misbehavior when concerns for their mental health and wellbeing exist.

**Definition of Terms**

For the purpose of this study, the following terms have been defined and have been ordered alphabetically:

1. **American with Disabilities Act** – Enacted into law on July 26, 1990, this act provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

2. **Chief of Police** – the individual who is directly responsible for the day to day operation of a university’s police or security department.

3. **Code of Conduct** – a university document describing student behavioral expectations, policies, and procedures for adjudicating alleged violations of student misconduct.

4. **Conduct Administrator** – any individual whose primary job responsibility is to manage the process for resolving student violations of the code of conduct.

5. **Counseling Director** – the individual who is directly responsible for the day to day operation of a university’s mental health services for students.

6. **Family Education Rights and Privacy Act** - Signed into law on August 21, 1974, this act is designed to protect against the unauthorized access and release of student information contained within records that are created and maintained by educational institutions.
7. Fundamental Fairness – An aspect of the discipline process that includes minimally providing notice to the accused student of the alleged violations committed and the time, date and place of the process that will be utilized to determine if the student is responsible or not for the violations he/she is accused.

8. Mental Health Crises – An incident where a student who is currently suffering psychological distress and who has participated in behavior that may be of harm to self, property or others.

9. Mental Health Illness – A diagnosed disorder as described by the Diagnostic and Statistical Manual of Mental Disorders (DSM IV).

10. Misbehavior – Behavior that is deemed inappropriate and/or concerning to a university administrator.

11. Rehabilitation Act of 1973, Section 504 – Provides protection so that “no otherwise, qualified handicapped individual… shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance…” (29 U.S.C. 794, (A) 1982).

Organization of the Study

This dissertation is comprised of five chapters as well as references and appendices. In Chapter One I have argued that, light of recent tragic events, research on processes for handling student issues that involve mental health and disciplinary concerns is important to producing safer campuses. I also included a rationale for a qualitative case study approach. Also included is the rationale for using a qualitative case study
approach. Chapter Two is a review of literature which highlights topics such as: the history of student conduct practices; the concept of *in loco parentis*; effective codes of student conduct and student due process rights; the discrimination of students with mental health issues; mandatory withdrawal policies; the mental health needs of students who violate the code of student conduct; the retention of students with mental health issues; conduct polices pertaining to a student experiencing a mental health illness or crisis; and the privacy rights of students who attend institutions of higher education. Chapter Three provides the reader with the rationale for the design of the study, information about the researcher, a brief description of each institution in the study, and the qualitative procedures used throughout the study. Chapter Four contains a synopsis of each institution, a brief vignette of each individual who was interviewed, and a description of all major themes realized during each interview. Discoveries and interpretations made during the document review and observation process are also included.

Finally, in Chapter Five, each case, organized by the research questions previously identified is discussed in detail. The findings of the cross-case analysis conducted are also provided and policy recommendations and suggestions for future research are included as well.
Chapter 2: Review of the Literature

A Brief History of Higher Education Student Discipline Practices

Since students arrived on college campuses in the United States over 300 years ago, college administrators have had to deal with issues of student discipline (Dannells, 1997). Regardless of where the behavior has taken place, faculty and administrators have worried about the appropriate conduct of their students (Dickstein & Nebeker, 2008). In order to articulate the values and behavioral expectations of the institution to their students, policies and procedures contained within codes of student conduct have been created. To address the legal, ethical and cultural issues that have arisen over the years, codes of student conduct have had to evolve. As far back as the 1600’s with the creation of religiously-affiliated colleges, codes of student conduct were designed to reinforce the moral teachings of the colleges’ religious beliefs (Dannells, 1997). Hoekema (1994), in his book *Campus rules and moral community: In place of “in loco parentis,”* describes three reasons why colleges and universities have university policies contained in codes of conduct:

1. To prevent exploitation of and harm to students;
2. To promote an atmosphere conducive to free discussion and learning; and
3. To nurture a sense of mutual responsibility and moral community in students (p. 118-126).

Donald Gehring, the founding father of the Association for Student Conduct Administration and professor emeritus of Higher Education Administration at Bowling Green State University suggested that the purpose of student discipline mirror the
purpose of higher education and focus on teaching and learning (Gehring, 2001).

Furthermore, noted higher education authors Bickel and Lake (1999) wrote that colleges and universities should mirror policies and procedures so that a “shared responsibility and a balancing of university authority and student freedom” can exist (p. 105).

Finally, the Association for Student Conduct Administration (ASCA), a professional organization with over 1,800 members, includes in the preamble of its by-laws that “the development and enforcement of standards of conduct and resolution of conflict for students is an educational endeavor that fosters students’ personal and social development” (Association for Student Conduct Administration, 2009, p. 1). As is evident from the research, the philosophy and enforcement of codes of student conduct on college and university campuses has been expanded to not only educate students on the religious beliefs of the institution (if religiously affiliated), but to also motivate the students to make better choices so that inappropriate behaviors are not repeated, and to assist the students in obtaining a deeper understanding of the impact their behavior may have on themselves and/or others, now and in the future.

**Student Discipline and In Loco Parentis**

“The power of *in loco parentis* was one to discipline, control and regulate” (Bickel and Lake, 1999, p. 23). From the beginnings of American higher education, many students, some very young, traveled far distances to attend school, causing the relationship between students and colleges to be parental in nature (Lowery, 1998, as cited in Hoekema, 1994). Away from their parents for the first time, the students’ need for supervision was evident. The role of rule enforcer, mentor, counselor and parent all
fell to the faculty in the early days (Rudolph, 1999). Much like a surrogate set of parents, colleges and universities assumed responsibility for providing students with guidance and boundaries and for creating rules and policies that governed student behavior. Rules like dress code and showing respect to faculty and other students were common place (Roy, 1998, p. 1).

The concept of in loco parentis also created a relationship between the student and university which resulted in what could be described as a quasi judicial shield against legal intervention. Since universities and colleges were acting in the role of the parent, the courts granted significant latitude in creating and enforcing institutional policy. Several court rulings supported the universities in loco parentis position.

From the earliest court cases until the 1960’s, the prevailing doctrine was one of judicial restraint (Caruso & Travelstead, 1987). In the court proceedings of People v. Wheaton College, the court ruled:

A discretionary power has been given to them (the college) to regulate the discipline of their college in such a manner as they deem proper; and so long as their rules neither violate divine nor human law, we have no more authority to interfere than we have to control the domestic discipline of a father in his family. Moreover, college authorities stand in loco parentis concerning the physical and moral welfare and mental training of the pupils, and we are unable to see why, to that end, they may not make any rule or regulation of the government or betterment of the pupils that a parent could for the same purpose (People v. Wheaton College, 1866, as cited in Hoekema 1994, p. 23).
Forty-seven years later, the concept of *in loco parentis* was still alive and well. In the case of *Gott v. Berea College*, a local owner (Gott) of an eating establishment sued Berea college for damages resulting from Berea’s new rule that if a student went into Gott’s or any other non-university owned restaurant to eat, that student would be suspended. The Court sided with Berea College and ruled that “whether the rules or regulations are wise or their aims worthy is a matter left solely to the discretion of the authorities” (*Gott v. Berea College*, 1913, as cited in Pavela, 2002, p. 1013). The court reinforced the concept of in loco parentis by stating that “those in charge of boarding schools are well within their rights and powers when they direct their students what to eat and where they may get it, where they may go, and what forms of amusement are forbidden…” (p. 1028).

This concept of *in loco parentis* continued to be prevalent within colleges and universities until the late 1950’s and early 1960’s (Lowery, 1998, p. 16, as cited in Hoekema, 1994). At that time, students began to challenge the rules and regulations on college campuses, especially those that they felt inhibited their right to freedom of speech. This rebellion coupled with the results of several court cases began the erosion of the college’s ability to remain in the role of in loco parentis. The case of *Campbell v. Board of Trustees of Wabash College* best illustrated the beginning of the change in relationship between institutions and their students when the court wrote, “college students are not children. Save for the very few legal exceptions, they are adult citizens, ready, able, and willing to be responsible for their own actions” (*Campbell v. Board of*
Trustees of Wabash College, 1986). Policies that were once seen as appropriate based on the concept of in loco parentis were beginning to be revised or removed.

Today, one might argue that in loco parentis no longer exists and has been replaced by a philosophy of trying to create partnerships between the parent, child and University. One reason for this shift in attitude by Universities is due to the emergence of the helicopter parent, one who hovers over their child and the university to ensure their son or daughter is successful (Rainey, 2006, Shellenbarger, 2005). The increased involvement of parents can be viewed as both a hindrance and a help to administrators. What is clear though is the increased involvement of parents is not going to end any time soon. Therefore, the university can seize this opportunity to create partnerships to improve collaboration, especially during times where a student may be experiencing a mental health illness or crisis.

**Effective Codes of Student Conduct**

Universities such as Harvard and the University of Connecticut have codes of conduct dating back to the 1800s; however, neither code addresses inappropriate behavior due to mental illness (Dickstein & Nebeker, 2008). Today, most, if not all codes of student conduct, contain processes and procedures which enable institutions to take action when a student has threatened or actually caused harm to them or others.

In order for processes and procedures contained within codes of student conduct to be effective tools for change, as well as legally sound, they must be written in a manner that is easily understood, comprehensive in nature, and yet adaptable to unusual scenarios that may occur. Moreover, codes of conduct should enumerate the specific
procedures that will occur when inappropriate behavior is adjudicated. Such policies and procedures should also speak to jurisdictional issues related to conduct that may take place on campus as well as off. The information contained within the code should also include processes that will be enacted when addressing behavior which may also violate local, state or federal law. This type of action taken by the university should be done irrespective of if legal action is taken by the courts (Stoner & Lowery, 2004).

State and federal legislation, as well as case law precedent must also be incorporated into student codes of conduct to ensure policies and process keep pace and are congruent with current local, state and federal statutes. Moreover, it is necessary to ensure that the code of conduct encourages students to behave in a manner that supports the mission of the institution. A well-written code clearly communicates to the student the expectations of the institution, the procedures and process a student may expect to participate in if he/she is accused of violating the code, and the rights that student is entitled to throughout the process (Stoner & Lowery, 2004). Finally, wide spread communication of the expectations and polices contained in the code to the campus community is also an essential element of implementing an effective code. How can one hold someone accountable for expectations they may not know exist?

**Legal Implications**

Legislation enacted into law designed to protect student’s rights first came to fruition when the courts ruled on the case of *Dixon v. Alabama State Board of Education* (1961). Other legal renderings such as the Americans with Disabilities Act, The Rehabilitation Act of 1973 and The Family Education Rights and Privacy Act provided
additional rights and protections for students and are described in more detail later in Chapter 2. These legal renderings and a plethora of other external forces have and will continue to influence how colleges and universities conduct their business, especially as it relates to disciplinary matters. The outcomes of legal proceedings have and will continue to shape how institutions discipline their students especially in situations when a student may have a psychological disability.

**Due Process**

In the public setting, minimum due process procedures in student disciplinary cases have been clearly articulated through the results of *Dixon v. Alabama State Board of Education* (1961), *Goss v. Lopez* (1975) and *Ruane v. Shippensburg* (2005). In Dixon, four students were expelled from the college by the president of Alabama State College for behavior the President deemed inappropriate. In effecting the expulsion, the students were never informed by any university official as to what violations they were accused of participating in and not given any notice of a time or place to refute the allegations. Dixon sued the Alabama State Board of Education, believing that his constitutional rights were violated and sought to overturn the president’s decision to expel him and the other students who were involved. The case was eventually decided by the 5th Circuit of the federal court of appeals.

The federal appellate court of the 5th Circuit held that students at a public institution could not be disciplinarily expelled without minimally being given notice and an opportunity to be heard. Even though the decision does not address how far in advance or what specific process must be used to adjudicate the incident, the court clearly
required that it was necessary to notify the student of the specific accusation and where and when he/she will have an opportunity to present a defense. These due process rights also hold true in cases where a student is temporarily removed (summary suspension) from the residence halls or entire campus proper for their own safety, or that of others. In cases of summary suspension, a formal hearing with some type of notice and opportunity to be heard should take place within a very short period of time (usually 10 business days) (Stoner & Lowery, 2004).

In 1975, the *Goss v. Lopez* decision once again upheld the standard that in a student disciplinary process at a public institution, the opportunity for students to be heard and given notice of what part of the code he or she has allegedly violated is a right to which students are entitled. The *Goss v. Lopez* lawsuit resulted from a public school system in Ohio taking disciplinary action (suspension) against approximately 75 students for damage caused in a lunch room cafeteria. All suspensions issued by the principal were assessed prior to the students receiving any opportunity for a hearing or in a timely fashion after the suspensions were promulgated. The main argument by Lopez was in large part based upon the premise of the fourteenth amendment to the constitution.

**Education as a Property Right**

The fourteenth amendment guarantees that no individual shall be deprived by the state of “life, liberty, or property, without due process of law” (Mount, 2001, para. 1). In the context of a public education, the ability to attend a school (k-12 or post-secondary) is considered a property right. In order for a school to take away a student’s property right (suspend a student from school) through a disciplinary process, the concept of due
process has been clarified to mean the student is required to be given some type of notice of the alleged violations and an opportunity to be heard (defend yourself against the allegations).

The same concept of due process in disciplinary hearings at public institutions was again upheld in 2005 as a result of the Ruane v. Shippensburg decision. While the court ruled that the university has the authority to discipline their students, students were entitled to due process including a notification of the charges and the right to a hearing (Ruane v. Shippensburg, 2005). As the courts have indicated in multiple rulings, when taking disciplinary action against a student, the importance of providing notice of the alleged violation(s) and an opportunity to be heard is paramount to treating the student in a fundamentally fair manner.

**Discrimination**

There are multiple pieces of federal legislation that protect students who have disabilities, psychological or otherwise from being the victim of discrimination. Two prominent laws that affect the manner in which a university may treat a student who has a disability are the Rehabilitation Act of 1973, Section 504 and the Americans with Disabilities Act. The Rehabilitation Act of 1973, Section 504 states in part:

no otherwise, qualified handicapped individual… shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance…(29 U.S.C. 794, (A) 1982). [A program or activity is
considered] all of the operations of a college, university, or other postsecondary institution, or a public system of higher education (29 U.S.C. 794, (B) (2a), 1982).

“The landmark Americans with Disabilities Act, enacted into law on July 26, 1990, provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications” (Americans with Disabilities Act, 1990). Specifically, the Americans with Disability Act states:

no qualified individual with a disability shall, by reason of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any entity (42 U.S.C. 12131, (Sec. 203), 1990/2008).

When a student participates in behavior that may violate the code of student conduct and is concomitantly experiencing a mental health illness or crises, it is essential when disciplinary action is taken that such action not be effectuated based solely upon the student’s mental health illness. It is not illegal, nor a violation of the university policy to be mentally ill or to suffer from any type of disability. In fact, behavior that may even be viewed by some as disturbing (but not disruptive) most likely will not even reach the threshold of a violation of the institution’s code of conduct. However, if the behavior is deemed to be disruptive or violates the standards set forth in the code, regardless if the behavior is caused by the disability, the student still must be held accountable (Pavela, 1985).
In recent years multiple law suits have been filed as a result of students who felt discriminated against based on their psychological disability. One such case was Doe v. Hunter College of the City Univ. of New York. In this case, a female student, Jane Doe, overdosed on Tylenol pills and admitted herself to a medical center. When she returned to her residence hall, the locks had been changed on her room (Judge David L. Bazelon Center for Mental Health Law, 2006). The university took action prior to providing the student any notice or an opportunity to be heard regarding the alleged violation(s) of the code. Jane Doe sued Hunter College on the basis that they violated her rights pertaining to the Americans with Disabilities Act. The case was eventually settled out of court and the University agreed to review their suicide policy. Jane Doe received compensation in the amount of $65,000.

In the Nott v. George Washington University (2006) case, the following incident was reported:

Jordan Nott had become depressed after a close friend committed suicide, so he went to the university’s counseling center, which prescribed antidepressants. But he felt worse and began to worry about a potentially negative drug reaction. At 2:00 am one Saturday morning, he voluntarily admitted himself to the university hospital. Within hours, Nott got a letter saying that he could not return to his dorm without receiving clearance from the university counseling center and the “community living and learning center” (his dorm). The following day, while he was still in the hospital, another letter came, charging him with “endangering
behavior” in violation of the school’s code of conduct (Judge David L. Bazelon Center for Mental Health Law, 2006, para. 4).

Nott sued George Washington University alleging they violated the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The institution’s actions, similarly to Doe v. Hunter were taken without ever granting him the ability to respond to or notification of the alleged violations of the code. Prior to the resolution being reached in court, Nott’s claim was settled. He too received monetary compensation and George Washington University agreed to review and amend their policies.

These legal precedents, and others like them, clearly communicate the need for institutions of higher education to tread very carefully when disciplining students who have disabilities. Each incident should be adjudicated based upon the circumstances surrounding the student’s inappropriate behavior and not focus on the student’s disability. Subsequently, any disciplinary sanctions assessed should also be made with great care taking into account the severity of the behavior (or lack thereof) as well as the student’s disciplinary history. Finally, if accommodations can be made for the student so that he or she is able to attend the university and be successful, action should be taken as soon as possible to allow for the those accommodations to be made and for the student to continue with their education.

Mandatory Withdrawal Policies

Many schools have implemented mandatory withdrawal policies for students who exhibit disturbing or disruptive behavior. Suicide attempts, threats of harm to others and emotional outbursts cause administrators to not only become concerned about the student
who is possibly in distress, but the safety of the university community as well. Generally, mandatory withdrawal polices are used by institutions of higher education to remove a student from housing or campus on the grounds the student may be psychologically unstable or an imminent threat of harm to self, others or property. While to the casual observer it may appear as though such a policy is a good idea to have on a college campus, the trained conduct administrator should know the potential legal hazards of implementing such a policy if not done with great care.

“One common characteristic of most mandatory withdrawal policies is ambiguous language” (Pavela, 1985, p. 1). The ambiguous language in such policies, regardless of how well intentioned, can create concern that important legal issues are not specifically addressed (Pavela, 1985). As an example, the legal implications from a lack of adherence to Americans with Disabilities Act and Section 504 of the Rehabilitation Act can create significant liability for the institution.

While it is appropriate to write policy that covers a multitude of disruptive behaviors, policies must have a certain amount of specificity as well to ensure the student is treated in a fundamentally fair manner. This is especially true at public institutions of higher education that receive tax dollars as part of their funding. Regardless of the rationale for instituting such a policy, it is advisable to take into consideration several factors when exercising this option before one should act.

Prior to the removal of a student from campus, it is advisable to conduct a direct threat assessment. A direct threat assessment should determine if there is a significant risk to the health and safety of others in the community; further, this risk cannot be
remediated by reasonable accommodations. The individual who is assessing whether a direct threat exists must base his or her decision upon their medical training and judgment, as well as evidence based best practices (U.S. Department of Justice, 42 U.S.C. 12111 (3)). Furthermore, as outlined in *Chevron U.S.A. Inc. V. Echazabal* (2002), a determination of significant risk must be made by considering the following:

1. The duration of the risk
2. The nature and severity of risk
3. The likelihood that the potential harm will occur; and
4. The proximity of the potential harm

Additionally, it is appropriate to consider if reasonable accommodations can be made to alleviate the direct threat. Such consideration is imperative especially if it is known in advance that a disability exists and reasonable accommodations have been requested. This consideration also helps a university avoid liable in a lawsuit (McKendall, 2010).

**Mental Health Needs of Students Who Violate the Code**

Today, more students are coming to college with psychological concerns (Benton, 2006; Benton, Benton, Newton, Benton, & Robertson, 2004; Center for the Study of Collegiate Mental Health, 2009, Shea, 2002). A 13-year study completed by Benton, Robertson, Tseng, Newton, and Benton (2003) revealed that counselors saw an increase in 14 of 19 pre-identified emotional problem areas that were commonly reported by the 13,257 students who participated in the study. When surveyed, 85% of counseling center directors reported an increase in students with severe psychological disorders (Goetz, 2002; O'Malley et al., 1990). Furthermore, college students are also taking more
psychiatric medications than reported in the past (Young, 2003). Yet another sign of
students with increasing psychological distress is the number of attempted and completed
suicides by students on college campuses; suicide is the second most common cause of
death on college campuses (Francis, 2003).

**Student Mental Health and Retention**

Emotional problems, if left unattended, can inhibit a student’s success. The
American College Health Association survey (2002) of 29,230 college students found
that stress, sleep difficulties, concern for friends or family, depression and death of a
family or friend all may impede a student’s academic success if not addressed. The
impact upon retention issues associated with mental health may be especially poignant
when looking at success rates of Black and Latino students. According to Constantine et
al. (2003), Black and Latino students tend to avoid seeking mental health assistance when
experiencing low levels of distress due in part to the possible social stigma associated
with participating in psychological counseling. However, there is some solace in
knowing that if a Black or Latino student is experiencing a very high level of distress,
they are more likely to seek counseling than if their stress level is low (Constantine,
Wilton, & Caldwell, 2003). Overall though, this information is unfortunate considering
the fact that students who chose to seek counseling remained in school longer than their
peers who did not (Turner & Berry, 2000; Wilson, Mason, & Ewing, 1997).

In addition to having an impact on retention and student success, the increase in
severity and prevalence of students suffering from psychological distress on college
campuses is heavily taxing campus counseling staff members and student affairs
professionals. However, as the complexity and severity of student mental health issues have increased, so has the demand for resources. This is problematic due to shrinking support for institutions of higher education from both state and federal sources. However, some alternative strategies have been suggested such as better crises management protocols, tailoring in-take procedures to improve efficiencies, group therapy, and the utilization of outside referral sources to help ease the increasing burden (Erickson, Riva, Henderson, Kominars & McIntosh, 2000). Counseling centers will need to be very strategic so as to utilize the resources they do have in order to be as efficient as possible in meeting the growing demands of students on campus.

Student Affairs staff members also have assisted in helping students deal with developmental issues. However, similar to their counseling colleagues, they are being asked to deal with more and more complex student issues. Most student affairs professionals do not have formal counseling training and may not know how to handle distraught students. Consider the actions of the Dean of Students at Ferrum College, who, after learning that a student from his institution sent police, his girlfriend, and several friends’ notes indicating he was going to commit suicide, took very little action. The Dean met with the student and, after having him sign a behavioral contract promising to do no harm to him, sent the student on his way (Gehring, 2002). Unfortunately, the student completed suicide shortly thereafter.

Institutions have no choice but to move swiftly when students act inappropriately and their behavior may be in part caused by a psychological disorder. To idly sit by and take no action is a recipe for disaster as the staff from Ferrum College and the
Massachusetts Institute of Technology (MIT) can attest. MIT settled a multi-million dollar law suit filed by the parents of Elizabeth Shin for gross negligence and wrongful death due to the unfortunate death of their daughter. On April 10, 2000, Elizabeth Shin successfully completed suicide by setting herself on fire in her campus residence hall room (Shea, 2002). The Shin case was especially tragic as numerous signs of her struggles were well known by multiple mental health professionals and yet, she still died.

**Conduct Policies and Student Mental Health**

A well crafted mental health policy that addresses student behavior caused by psychological distress should address several issues. First, as stated earlier, any discipline decisions that are made ought to be based on the inappropriate behavior and not the potential or actual mental illness a student may have. Furthermore, by focusing on the behavior, the institution would not be in violation of Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Second, the rights of the student should be the same as in any other discipline case. The only exception to this may be with respect to the amount of advance notice provided to the student when requiring him or her to appear at a meeting to discuss the incident. Typically, at least three days’ notice is given to students who are expected to attend a disciplinary hearing (Wright State University, 2010). In cases of mental health issues, that amount of notice may not be possible based on the circumstances and severity of the incident.

The third element that should be in place is the flexibility to complete any sanctions on or off campus that may require counseling or a psychological assessment.
It is sometimes appropriate to require students to seek an assessment. As a result of that assessment, it may be appropriate to require mandated counseling, too. However, it is not appropriate to mandate that the assessment or counseling be administered by the campus’s counseling center (Pavela, 2002). While it is acceptable for the campus’s counseling center to provide these services should the student seek them, it should not be a requirement.

A fourth element that should be addressed is the issue of whether to contact the student’s parents. Before that decision is made, especially in cases of attempted suicide, it should be determined if the parents are a part of the problem or if they are going to be a part of the solution (Gehring, 2002). Furthermore, because certain rights of privacy are provided for by the Family Education Rights and Privacy Act (FERPA), institutions need to be sure that the student’s health or safety is in imminent danger prior to making that call (Department of Education, n. d.). An excellent alternative to an administrator calling a parent is to persuade the students, if at all possible, to call their parent(s) themselves.

There are several advantages to colleges and universities having policies in place to deal with students whose behavior may be the result of a mental health related issue. First, by incorporating mental health professionals as part of the process (which most, if not all policies do) they address the issue of not having a qualified individual present to assess the situation from a mental health perspective. Second, by having student affairs professionals present, collaboration between student affairs and the counseling center can take place to ensure that the best interests of both the student and the university are being taking into consideration. Last, by having established policies in place, everyone
involved has a greater likelihood of knowing and understanding their role, which should
equate to the student’s needs being addressed as quickly and completely as possible.

**Student Conduct and Privacy Rights**

The Family Education Rights and Privacy Act (FERPA) was initially signed into
law by President Ford on August 21, 1974 (U.S. Department of Education, n. d.). As first
enacted, FERPA provided parents with the right to inspect and review any and all official
records, files, and data directly related to their children, “including all material that is
incorporated into each student's cumulative record folder, and intended for school use or
to be available to parties outside the school or school system” (U.S. Department of

Since the inception of FERPA almost 35 years ago, there have been numerous
changes, clarifications and additions to the legislation. The multiple changes that have
taken place over the years and a lack of awareness of the legislation amongst university
personnel appears to have caused significant confusion regarding the interpretation of
how and under what circumstances information contained in student’s educational
records can be shared (Glod, 2008; and McDondald & Tibbensee, 2007).

Information is considered part of the student’s educational record if the following
criterion is met:

1. The information pertains directly to the student and;

2. The information is maintained by the University

Information about a student is considered an educational record regardless of which
office (registrar, bursar, financial aid, student conduct, admissions etc…) maintains the
information. Regardless of how the information is stored (electronically, hard copy file, etc...) the data is still considered a part of the student’s record. Even information contained on sticky notes, photographs and academic assignments are considered part of a student’s record. The salient issue pertaining to student records and the sharing of such information is to whom and under what conditions the information is shared (Lipka, S. 2008).

Many administrators who lack knowledge of FERPA believe that without a signed release by the student, the administrator is unable to disclose any information about the student with any other individual, even another university administrator. This misconception has led to significant consequences on many campuses. A primary example of such consequences is outlined in the final report submitted to the Governor of the Commonwealth of Virginia regarding the shooting that took place on April 16, 2007 on the campus of Virginia Tech. A passage from the key findings of the report indicated the following:

University officials in the office of Judicial Affairs, Cook Counseling Center, campus police, the Dean of Students, and others explained their failures to communicate with one another or with Cho’s parents by noting their belief that such communications are prohibited by the federal laws governing the privacy of health and education records [Health Insurance Portability and Accountability Act and FERPA]. In reality, federal laws and their state counterparts afford ample leeway to share information in potentially dangerous situations (Commonwealth of Virginia Governor’s Report, 2007, p. 2 findings, #3).
The lack of understanding of the policies related to when and to whom information contained in a student’s educational record can be shared may not have prevented the heinous act of Cho at Virginia Tech, but one lesson has surely been learned; when in doubt, share the information. Today, FERPA is known by college and university administrators as the guideline that must be followed pertaining to the maintenance and release of student educational records. Any institution of higher education in the country that is federally funded must adhere to the guidelines set forth in the FERPA regulations (U. S. Department of Education, n. d.).
Chapter 3: Methodology

Rationale for Design

The purpose of this case study is to identify, compare, and contrast the processes and procedures that two public, four year institutions of higher education use to resolve incidents of student misbehavior that are concomitantly experiencing a mental health crisis. Discovering how the characteristics of mental health distress and student misbehavior interact together can assist administrators in determining the most appropriate action to be taken. An examination of each institution’s processes and procedures were completed by the researcher. Similarities and dissimilarities of the processes and procedures were determined and examined.

Qualitative methodology was used in this study. Merriam (1998) outlined five key concepts of qualitative research:

1) Researchers must understand the “phenomenon of interest from the participants’ perspective, not the researchers”” (p. 6). An examination of the information obtained in this manner has been titled by Merriam as an “emic” or the insider’s perspective. Each college and university has its own unique culture and is influenced by its institutional history. It is necessary to obtain an “emic” perspective when studying how procedures, processes and laws are interpreted by administrators who resolve these types of incidents. Doing so may show how administrators form opinions that impact their perspective of the incident and hence any action taken when resolving the case.
2) The researcher is the primary tool for collecting, analyzing and reporting data. Therefore, the researcher’s experiences, motivation, training and knowledge must all be taken into consideration.

3) Field work is another central aspect of qualitative research and requires the researcher to “physically go to the people, setting, site or institution in order to observe behavior in its natural setting” (p. 7). A second component of the field work described is the document review. The review of documents can provide the researcher with insight into how and why decisions are made. This phase also allows the researcher to gain important historical information related to the creation and implementation of the institution’s policies and procedures. Documents may even add context to some environmental issues influencing the process. An in-depth review of the institution’s processes and state and federal legislation will all be examined as part of the document review process.

4) A fourth component Merriam described “primarily employs an inductive research strategy” where researchers “build abstractions, concepts, hypotheses, or theories rather than testing existing theory” (p. 7). New hypotheses and concepts will be built from “observations and intuitive understandings gained in the field” during my research (p. 7).

5) The final aspect described as part of the qualitative process is the production of “thick description.” Thick description is the result produced through the “focusing on process, meaning and understanding [where] words and pictures
rather than numbers are used to convey what the researcher has learned about a phenomenon” (p. 8).

A qualitative case study approach was employed. The case study type of methodology was chosen for several reasons. Merriam (1998) indicates a case study approach is particularistic and descriptive. Each case highlights “a particular situation, event, program, or phenomenon” (p. 29). In this study, specific processes and procedures used by two universities was researched. The study is also descriptive in that the examination of specific cases occurred, and produced a highly detailed evaluation that explored the depth and breadth of each case.

Patton (2002) recommends the use of the case study approach when a researcher wants to explore a policy in great detail, and Yin (2009) also supports the use of a case study approach when ”examining contemporary events when the relevant behaviors cannot be manipulated” (p. 11). Using a qualitative case study approach also allows for a “review of how all the parts work together to form a whole” (Merriam, 1998, p. 6) and provides for an “analysis [that] strives for depth of understanding” (Patton, 1985, p. 1). Finally, the utilization of this approach can produce robust data which is very important to obtain in a qualitative study (Yin, 2009).

The understanding of how processes and procedures intersect with various legal considerations may provide valuable knowledge for administrators. I sought to obtain information regarding both individual and institutional histories that might have shaped the way in which the processes worked at the respective institutions.”
I compared the similarities and dissimilarities of the two institutions for the purpose of identifying how and why their processes are executed. Furthermore, whether or not congruency existed with state and federal law was also considered. Since two institutions were incorporated in the study, a vast amount of information was able to be obtained from each. Moreover, the data obtained from each institution studied contributed to the recommendations for future policy contained within chapter five.

**Credibility and Trustworthiness of the Study**

Qualitative validity is described by Maxwell (2005) as the “correctness or credibility of a description, conclusion, explanation, interpretation or other sort of account” of the data studied (p. 106). Creswell (2009) described validity as the “means the researcher checks for the accuracy of the findings by employing certain procedures” before, during and after the process (p. 190). Creswell (2009, pp. 191-192) also suggested the following as some “validity strategies” that can be utilized throughout the study:

1. *Triangulate* different data sources of information by examining evidence from the sources and using it to build a coherent justification for themes;

2. *Member checking* to determine the accuracy of the qualitative findings through taking the final report or specific descriptions or themes back to the participants and determining whether the participants feel that they are accurate;

3. Use *rich description* to convey the findings;
4. **Clarify bias** the researcher brings to the study. This self-reflection creates an open and honest narrative that will resonate well with readers.

**The Researcher as Participant**

Patton (2002) suggests “Qualitative inquiry, because the human being is the instrument of data collection, requires that the investigator carefully reflect on, deal with, and report potential sources of bias and error” (p. 51). Over the past eleven years I have worked in the area of student conduct. I have also served on the board of directors of the Association for Student Conduct Administration (ASCA) for the past seven years, including the presidency in 2007-2008. ASCA is considered the premier authority on student conduct administration by many campus administrators across the country. Additionally, while at Wright State University (WSU), I was a major contributor to the development and implementation of our current policy and procedures that guide how administrators manage cases of student conduct where there is also a concern for the student’s mental health well-being.

My interest in this topic stems from the significant increase over the past five to seven years of incidents where a student misbehaved and was experiencing a mental health crisis. During the past eleven years of my professional career, I have developed opinions and preferences for how such incidents of student misbehavior should be addressed. In keeping with legal advice I have received over the years, information obtained from various trainings and seminars I have attended, and reading about the lessons learned from experts in the field of student conduct such as Gary Pavela (1985, 2002, 2008) and Edward Stoner and John Wesley Lowery (2004), I have developed a
process that I feel most comfortable with when I address students who misbehave and experiencing a mental health crisis or illness.

The behavior of the student is addressed first, and I do not incorporate the mental health illness or disability of the student in the decision making calculus when determining if the student has participated in inappropriate behavior. After that decision has been made, then it is critical to the sanctioning process to incorporate any mitigating circumstances (e.g., mental illness) when determining the most appropriate resolution. Such an approach reduces the possibility of violating a student’s rights as outlined in both the Rehabilitation Act of 1973 and the Americans with Disability Act (ADA) of 1990.

An additional bias might be related to my desire to keep a student enrolled and continuing to move forward with his or her education. I can sympathize with other administrators who are hesitant to retain students because of today’s litigious society. The apprehension due to the possibility of being named in a lawsuit by the parents of a student who is allowed to remain on campus and ultimately harms or kills him or herself, or even worse, others is valid. However, creating a plan of success for the student through collaboration with other colleagues, utilization of resources, and partnering with the student’s parents (if appropriate) so the student can continue their education has always been my preference. This approach seems even more appropriate if one believes an administrator’s focus should be directed at caring for and helping a student succeed.

Consistently being aware of my thoughts, opinions, and preferences as well as my pre-existing knowledge of the institutions I studied was essential so that my findings were as free from personal bias as possible.
The Settings

I chose two institutions that are public and four year degree granting in order to increase my understanding of the research problems in depth. As Patton wrote, a homogeneous sample enables the researcher to “describe some particular subgroup in depth” (Patton, 2002, p. 235) by studying “individuals, groups, or settings because they all possess similar characteristics or attributes” (Onwuegbuzie & Leech, 2007, p. 112). I was able to examine each institution’s processes and procedures and to compare and contrast each institution with the other.

I examined the specific processes and procedures for resolving incidents where student misbehave while concomitantly experiencing a mental health crisis. “Qualitative inquiry typically focusing in-depth on relatively small samples, even single cases, selected purposefully” assists in the production of rich data (Patton, 2002, p. 230). Additionally, “studying a relatively small number of special cases, that is successful at something and therefore are a good source of lessons learned” is a reliable methodological approach (Patton, 2002, p. 7). In order to maintain the anonymity of the institution and administrators interviewed, pseudonyms are used throughout this report.

These institutions were chosen for this study purposefully. First, I hoped that the pre-existing relationships I have established over the years with student affairs professionals on both campuses would help me gain access for my study. As I had assumed, the relationships I had established did assist me in not only gaining access to the institution’s administrators who I needed to interview, but was also of great assistance
in helping me resolve any logistical issues I encountered prior to and while on campus for my visits.

Second, my previous dealings with these administrators, many of whom are very well respected in their vocation, increased my level of credibility with the participants before interviews were ever conducted. Third, each institution’s student body was similar in that the vast majority of students were undergraduate, traditional aged and from the state in which each institution is located. Finally, based upon my preexisting knowledge of each institution and some of the staff who are employed at each, I believed the processes that would be in place to address these types of student issues would be well thought out and comprehensive.

Institutional Profiles

One of the institutions where I conducted my research was a four year, public, mid-size (20-25,000 students) located in the Midwest region of the United States. The population of this institution is generally full time undergraduate students between the ages of 18 and 22. The University currently houses over 6,500 students on campus. The pseudonym for this institution is Midwest Regional University (MRU).

The other institution utilized in this study is located within the Southern region of the United States. The enrollment at this institution is greater than 45,000 and the on-campus residential population totals more than 9,000 students. Similarly to MRU, this institution’s student body is also comprised of a majority of traditional aged, full time, undergraduate students. The pseudonym for this institution is Southern Regional University (SRU).
Procedures

Document analysis, campus interviews and observations from each institution were used as the primary means of gathering data for this study. “By using a combination of document analysis, interviews and observation, [I was able] to use different data sources to validate and cross-check [my] findings” (Patton, 2002, p. 306). The documents reviewed from both institutions were acquired on-line from their respective campus’s website. I also obtained written copies of various policies and procedures that were either suggested to me during the interview process or I thought would be of relevance to the study.

I conducted one onsite visit per campus studied. I traveled by car to MRU in June and flew to SRU in August. During my visit to MRU, I stayed within a few miles of campus in a hotel, while at SRU I was invited to stay at the home of staff member. All interviews were conducted, when possible, in the personal offices of each administrator. Interviews were completed with professional staff members from each campus whose departments were directly responsible for managing those students involved in these situations. These individuals were chosen in an effort to examine how the communication and relationship(s) of these colleagues may impact their success in resolving student concerns. The training and personal or professional experiences of each director were investigated to see how those experiences influence decision-making. I incorporated a journal to keep track of my observations of the physical environment and the interactions I had with administrators.
**Document Analysis**

“Because of their overall value, documents play an explicit role in any data collection in doing case studies” (Yin, 2009, p. 103). Furthermore, “For case studies, the most important use of documents is to corroborate and augment evidence from other sources” (Yin, 2009, p. 103). A review of the following documents was conducted in order to compare and contrast the data obtained from my interviews with institutional policies and procedures.

1. The Code of Student Conduct
2. Student Behavioral Intervention Team overview
3. Student Behavioral Intervention Team Protocol
4. Student Behavioral Intervention Team Threat Assessment Matrix
5. The Administrative Withdrawal Policy
6. The University FERPA Statement

My initial review of the documents took place prior to each campus visit. I utilized each university’s website in order to obtain its Codes of Student Conduct and other relevant institutional information.

During each interview, I requested any documentation that each administrator thought might be relevant to my study. After I left each institution, I then reviewed new documents I received during my visits. Public websites containing state and federal legislation related to the Family Education Rights and Privacy Act, Americans with Disability Act, including any amendments passed prior to the original act and the Rehabilitation Act of 1973 were explored as well. Finally, each institution’s registrar
website was reviewed to determine if it contained information about a student’s FERPA rights.

**Campus Interviews**

The administrators chosen to be interviewed were done so in order to gain insight and perspective of those who have responsibility for responding to students who act inappropriately and may be experiencing a mental health crisis (Patton, 2002). Interviews at both campuses were conducted with the Chief of Police, Director of Counseling Services and Director of Residence Life. Also interviewed were the Chief Conduct Officer at MRU and the Special Assistant to the Vice President for Student Affairs at SRU (See appendix B).

I utilized a semi-structured interview process; incorporating multiple questions that were pre-determined (see appendix C). Using the options that Patton (2002) refers to in his book, *Qualitative Research and Evaluation Methods*; I incorporated a mixture of questions that sought to obtain factual information, background and demographic information as well as questions that elicited the participant’s opinions and values. I maintained flexibility during the interviews so that I could clarify information previously obtained or ask new questions that I thought would provide even more insight. Additionally, I conducted follow-up phone interviews with many of the individuals interviewed for the purpose of obtaining clarity to previously asked questions and to delve further into additional information I sought after transcribing my initial interviews.
Observation

The relationships I have created with non-participating administrators from each institution during my involvement in the Association for Conduct Administration (ASCA) assisted me in gaining access for my research. My relationship with individuals at each institution chosen was beneficial in creating an initial level of trust. This trust was helpful in gaining necessary access to information, opportunities for uninhibited observation, and the documents I needed to examine (Glesne, 1999). During the field work (campus visit) portion of the study, I purposefully attempted to conduct as many interviews as possible in the offices of the administrators who participated. I did this in order to try and create a higher level of comfort for the participants during their interview. I documented “body language and other gestural cues that lent meaning to the words of the persons being interviewed” (Angrosino & Mays de Perez, 2000, p. 673) as well as my impressions of each administrators experience and knowledge, their office environment and conducted a scan of the physical environment outside of the formal interview process to obtain data (Merriam, 1998). Finally, I gained insights into the relationships that existed between the various administrators who deal with these issues as well.

Data Collection

“Data in a qualitative study can include virtually anything you see, hear, or that is otherwise communicated to you while conducting the study” (Maxwell, 2005, p. 79). Throughout the entire process I used a journal to store my field notes as they (field notes) “are the most important determinant of later bringing off a qualitative analysis” (Patton,
All of my thoughts and opinions were documented as quickly as possible after each interview was conducted and upon my completion of each visit to campus. In order to accurately document all data collected during each interview, a digital recorder was used (Maxwell, 2005). I purposefully arranged ample time between each individual interview as well as each campus visit to be able to adequately reflect on each phase of the study and allow for maximum flexibility. The transcription began within one week after each campus visit was completed.

**Data Analysis**

The coding of the information was organized into three parts: transcription data from each initial and follow-up interview, notes from my observations, and information collected from the document review process. Creswell (2009) suggested a “preliminary codebook be developed for coding the data and [to] permit the codebook to develop and change based on the information learned during the data analysis” (pp. 187-188). Prior to conducting my research, I developed a codebook that contained a limited amount of codes based upon the themes or groups of information I expected to uncover.

After interviews were completed, I reviewed any documents I had not already examined. I then began to analyze the transcriptions of my interviews. As I read through the transcriptions, I identified words or phrases along the left and right margins of the documents that described topics/themes as they emerged. This was done in order to start grouping ideas together and organizing and identifying potential themes. As I read and re-read the transcripts, I expanded my list of codes considerably. Using a cross-case analysis method as recommended by Huberman and Miles (1998), each transcript
was then copied onto a different color of paper. I noted the name of each participant and the color of the paper on the original transcript. The colored copy of each transcript was then cut into strips based upon the themes previously identified in the margins. I organized the strips of paper with the codes/themes into stacks so I could visually see common themes emerging. After separating the data, I began my analysis.

In order to use Creswell’s validity strategies, I triangulated the data first by grouping and comparing the findings from my document review, interviews and observations conducted at each campus. I then compared and contrasted the data from the two institutions against each in order to determine if common themes, ideas or processes existed. I then evaluated the data to find similarities and differences to what was discovered in the literature review.

In an effort to check the findings obtained from each interview, I sent an electronic copy of each transcript to three of the individuals from each campus. I provided each participant a summary of his or her interview as described in Chapter Four and requested they provide feedback to me as to the accuracy of the information and whether or not they agreed with my interpretations. The individuals chosen to provide feedback were based upon two factors. First, my belief they would be more likely to respond than not, and two, I knew how to contact each of them. Another reason for choosing the individuals I did to seek feedback was the person who served as the Chief of Police at MRU at the time of my interviews was no longer employed there once I began the member checking process. I was unable to locate him, so I chose to contact everyone else I interviewed except for the Chiefs of Police at both institutions. A second e-mail
was generated to all those who did not respond at first, again requesting they review the information I provided. I received responses from 100% of the individuals I requested feedback from.

**Summary of Methodology**

This study utilized a multiple case study approach. Stake (2000) referred to this as a “collective case study” when the “researcher may jointly study a number of cases in order to investigate a phenomenon” (p. 437). I explored how two different universities resolve incidents with students who misbehave and were concomitantly experiencing a mental health crisis. As the processes and procedures at each institution were explored, “an ongoing process that involved ‘tacking’ back and forth between the different components of the design” took place (Maxwell, 2005, p. 3). This approach is also supported by Patton (2002) because the researcher is continually comparing data from multiple sources throughout the course of the field work. By continuously comparing and contrasting information obtained from each institution, I was able to identify the themes and patterns.

As indicated earlier, I sought to clarify information I obtained from my interviews by conducting follow-up phone interviews. In order to ensure my field notes were accurate, I documented my experiences as they occurred throughout the process. While the methodology for this study is in congruence with what the literature suggests, I tried to remain open minded to any unanticipated findings while collecting the data so as not to “create methodological tunnel vision” as I made sense of my data (Maxwell, 2005, p. 80). I also was aware that due to my numerous years of managing incidents of this type, I
needed to be cognizant of other possible competing processes and procedures that exist which could be just as impactful and effective as the ones I have implemented on my campus. Finally, since the “case study design is employed to gain depth and breadth of understanding pertaining to the issue being studied” (Merriam, 1998, p. 19), my final analysis is focused on process rather than outcomes.
Chapter 4: Case Synopsis and Summary of Findings

Chapter Four contains a synopsis of each institution, a brief abstract of each individual interviewed, and a description of all major themes realized during each interview. Each institution was assigned a pseudonym to protect its identity. Interpretations and discoveries made during the document review and observations process are also included.

Institutional Overviews

Midwestern Region University (MRU)

Midwestern Region University (MRU) was founded in the mid 1800s. It is a four year, public, mid-size institution (20-25,000 students) located within the Midwest region of the United States. Considered a rural institution, it employs over 3,000 faculty and staff and has an annual operating budget of over $375,000,000 dollars. MRU offers over 65 bachelor degree programs, 43 master level programs, and nine doctoral programs. Most students are traditional aged (18-22), full-time, undergraduate degree seeking, and are from the home state of the institution. The average age of its students is 20. The University currently houses over 6,500 students in residence halls and campus apartments.

The Division of Student Affairs at MRU is comprised of 11 departments. The departments within the division are the student center, dining services, campus recreation, career center, dean of students, disability concerns, health, promotion and wellness, housing, student affairs IT, student counseling, student health center and the police
department. An Office of community rights and responsibilities is located within the Dean of Students office.

I spent approximately one and half days at MRU. As I walked from building to building for the interview process, I was impressed by the cleanliness and manicured nature of the campus grounds. Each building I traveled to, as well as the paths to it, was well kept and free of debris. The campus was conveniently laid out from a geographical perspective as well. All the major academic buildings were in close proximity to each other, forming an “academic quad”. The administrative offices were located in one of two buildings (student center or an administrative building right across the street), for easy student access. The main offices of the departments I visited were decorated in a manner that seemed inviting to students and exhibited school spirit and pride.

Each individual I interviewed is a team member of a Division of Student Affairs department. As with most institutions, the division consists of the traditional departments such as housing, counseling, student conduct, disability concerns, and campus recreation. Each unit within the division is responsible for helping the student to be successful from the moment they enter the University to the day they graduate. One of the uncommon aspects of MRU is the inclusion of the University Police Department within the division of Student Affairs. At a majority of institutions across the country, college and university Police Departments are not part of the Division of Student Affairs and report to the business and fiscal affairs division or the health and safety branch of the University governance structure. A review of the reporting structures at every other four-year public institution within the same state as MRU revealed only three other police departments
reported to a supervisor who was employed within the Division of Student Affairs. The significance of the Police Department being a part of the Division of Student Affairs will be discussed in greater depth in Chapter Five.

**Document Analysis: Policies and Procedures**

A review of the following documents was conducted in order to compare and contrast the data obtained from my interviews with institutional policies and procedures.

1. The Code of Student Conduct
2. Student Behavioral Intervention Team overview
3. Student Behavioral Intervention Team Protocol
4. Student Behavioral Intervention Team Threat Assessment Matrix
5. The Administrative Withdrawal Policy
6. The University FERPA Statement

The documents listed above were obtained from either MRU’s website or from an administrator while I was on campus conducting interviews.

**MRU’s Code of Student Conduct**

The Code of Student Conduct (Code) is designed to enumerate the institution’s values and expectations of MRU students. Additionally, the Code explains the institution’s processes and protocols in regards to student behavior that violates MRU’s policies. The most recent version of the Code of Student Conduct was approved by the Academic Senate and the President of MRU in 2009. The policies and procedures contained within the Code went into effect on January 4, 2010.
The Code can be accessed in its entirety through the website of MRU’s Office of Community Rights and Responsibilities. It is disseminated to the student population in a variety of ways. First, when students enter the University and participate in summer orientation, they are made aware of the Code, both orally and in writing. Second, when students register for classes, they must indicate that they have read the Code. Finally, when students arrive on campus, copies of the Code are made available to all students who attend the University’s fall organizational fair.

The Code contained all the general categories and specific policies and procedures one might expect to find in a well written Code of Conduct (Stoner & Lowery, 2004). It provides students with information regarding the student discipline process including: the university’s jurisdictional rights; its regulations; complainant and accused rights; student organization rights; the hearing procedures; the appeal procedures; and all of the potential disciplinary sanctions that can be assessed.

Regulations are provided that inform the students about what behaviors are inappropriate. So are policies about students who may violate the code and concomitantly be experiencing a mental health crisis. Two policies most likely to be assigned as possible violations of the Code are “any action that creates a substantial risk such that the health or safety of an individual may be compromised” (MRU Code of Conduct, 2010, p. 6) and/or “engaging in conduct that threatens or endangers the health or safety of any person” (MRU Code of Conduct, 2010, p. 7).

The Code also includes descriptions of the different processes that could be chosen by a student who has been notified of an alleged violation of the Code. In cases
where a minor violation of a residential policy takes place, a Residence Life Hall Director or the Assistant Director for Residential Life can adjudicate the incident. However, when it seems possible that suspension or expulsion may result from a serious violation of the Code, the student must either participate in an administrative hearing with a member of the Dean of Student’s staff or a university hearing with a panel comprised of students and faculty. The panel consists of a minimum of three members of the university community. One faculty member and one student participant must be included on the panel for every hearing. The third member of the panel may be a faculty member or another student.

The Code enumerates the essential elements of the policies and procedures as well as the student’s rights within MRU disciplinary process. An important element necessary when a student is accused of an alleged violation is the concept of notice. Notice is considered the practice of informing the student, usually in writing, that he/she is alleged to have violated the Code. Included in the notice are the date, time and location of the conference or hearing and specific violation(s) he/she is alleged to have committed. Furthermore, information pertaining to the accused student’s rights as well as their ability to have an advisor present to assist him/her throughout the process is included. A section is also included about the student’s ability to appeal the outcome of the process for cause. The ability to obtain access to all materials being considered by the adjudicating body when rendering its decision is also clearly stated. Elements such as those previously mentioned are a very important aspect of a process that should be consistent in its application and fair in its resolution.
While the code seems to contain all the general information that might be expected, it does not reference a specific process for dealing with students who are alleged to violate the Code while concomitantly experiencing a mental health crisis. There is no public reference to the policies and protocols that exist relative to the Student Behavioral Intervention Team and its authority. Finally, the mandated withdrawal policy utilized for the removal of a student because of a mental health crisis is not included. It is only listed on the Policies and Procedures web page of MRU.

**Student Behavioral Intervention Team Overview (SBIT)**

The SBIT overview document is designed to provide a summary of the SBIT, purpose, team membership, and responsibilities. The purpose of the SBIT is to “identify, monitor, and, when deemed necessary, recommend appropriate behavioral intervention(s) [for MRU students] who display unhealthy and/or dangerous patterns of behavior”. The SBIT is only responsible for addressing issues pertaining to students and not faculty or staff. The MRU SBIT is a multidisciplinary team of administrators from within the Division of Student Affairs and other essential University departments. Membership of the SBIT team consists of representatives from the following departments: (* denotes a department within the Division of Student Affairs)

1. Athletics
2. Dean of Students *
3. General Counsel
4. MRU Police *
5. Provost
6. Student Counseling *

7. University Housing Services *

8. Vice President for Student Affairs *

The primary responsibility of the team is to engage in a purposeful discussion (either electronically or in person) regarding the best utilization of campus resources to resolve an incident of student misbehavior where the student may also be concomitantly experiencing a mental health crisis. The team may also address student issues where there is simply a concern for a student’s well being, but no violation has taken place. The team may also be involved when there is a death, serious injury, or another significant incident pertaining to students. The team monitors the progress and follow-up to help the student be successful. The Chair of the SBIT maintains any record(s) pursuant to the incident. Record keeping is done electronically utilizing a commercially purchased web based software program.

The document details the expectations of the team members and the expectation to share information (within the limits of the local, state and federal legal parameters), so that the student’s cumulative history as well as any other pertinent information may be used to determine the most appropriate resolution of the situation. Furthermore, any member of the SBIT may act as a referral agent to the Office of Rights and Responsibilities when there is a belief that a potential violation of the Code has taken place. Any member of the SBIT may also refer a student to the Administrative Withdrawal Committee of the University when a consensual or mandated withdrawal from the institution may be necessary.
Student Behavioral Intervention Protocol

The SBIT protocol is an internal document exclusively used by the SBIT. It is maintained and revised as necessary by the Associate Vice President for Student Affairs who serves as chair. The protocol is provided to each team member and to any other university administrator who would need to be aware of such a process. The information contained in the protocol spans the entire process. The protocol details instructions for each step the SBIT is expected to carry-out when addressing a reported incident. The protocol provides the guidance as to what action is to be taken and by whom.

Student Behavioral Intervention Team Threat Assessment Matrix

The Threat Matrix, which is an appendix of the SBIT protocol, is a guide for the SBIT to use when attempting to gauge a student’s level of threat towards oneself or the community. The matrix, like the protocol, is maintained by the Associate Vice President for Student Affairs and is used exclusively by the team. The Matrix includes a section on the type of issue the SBIT may address, the thought or behavior pattern of the student, the priority level that should be given to the incident based upon the perceived level of risk currently present, and the potential responses the SBIT could implement. The Matrix provides the committee members with a baseline from which to start the evaluation process of who is the best first responder to begin addressing the issue at hand.

The Administrative Withdrawal Policy

The Administrative Withdrawal policy can be found on MRU’s website and is a policy contained within the overall university policy manual under the student section.
There is no reference to this policy on the website of the Office of Community Rights and Responsibilities (CR&R) nor is it referred to anywhere in the Code of Conduct.

The policy states that the Administrative Withdrawal Committee is to make a recommendation to the President for his consideration. The process to mandate a student be withdrawn from campus is only executed when the student exhibits behavior that creates serious concerns for their mental health wellbeing and/or the student is determined to be a direct threat of harm to self or others. The members of the withdrawal committee consist of the following representatives:

1. Vice President for Student Affairs or his/her designee
2. Director of the Student Counseling Services or his/her designee
3. Dean of Students or his/her designee
4. Director of the Student Health Service or his/her designee (in consultation with Medical Director)
5. Director of Disability Concerns or his/her designee
6. Others (i.e., Director of University Housing Services, Director of International Studies and Programs) may be selected by the Vice President for Student Affairs to serve in an advisory capacity as appropriate.

When determining its recommendation, relevant information about the student and the incident is considered and integrated into the decision making calculus. The multidisciplinary team utilizes the collective expertise of all of its members and the data collected to determine the most appropriate course of action. To that end, the committee also has the ability to require a student with serious medical or psychological issues to
have to obtain a psychiatric and/or medical evaluation to assist the committee in
determining the appropriateness of the student continuing to attend classes, live in the
residence halls, or participate in other university activities and programs. Also, the
student can be required to meet or request to meet with the committee prior to any
recommendation made to the President. In the event a student needs to be withdrawn,
clear directions are provided about the re-admittance process.

University FERPA Statement

The university statement concerning a student’s FERPA rights was found on the
Registrar’s page of the University’s website. It contained the required information
relative to what constitutes directory information such as definitions of who is considered
a University Official, a definition of what is a “legitimate need to know” in order to share
information contained within a student’s educational record without his or her consent,
information pertaining to a student’s right to access their records, and the ability to
challenge the information if the student believes something has been included in error.

Interviews

I pre-scheduled interviews with the following administrators at Midwestern
Region University: (a) the Director of the Counseling Center; (b) The Director of
University Housing Services; (C) The Coordinator of Community Rights and
Responsibilities, and (d) the Chief of Police. However, at the recommendation of the
Chief of Police, I also interviewed the Police Department’s Major, who is second in
command and who possessed in-depth knowledge of the police department’s
collaborative efforts regarding the handling of student conduct issues. The information
below is a brief synopsis of each interview. Each participant is identified by a pseudonym which was created to protect their identity as well as the institution of employment.

**Dr. Robertson, Director of Counseling**

Dr. Robertson “has spent her entire career working in university counseling centers.” She became cognizant of her desire to work in university counseling centers while completing her graduate degree and felt it “would be a good fit” for her professionally. Prior to her arrival at MRU in 2001, she served as Associate Director of Counseling at a large urban university in the south for several years, and prior to this, she had worked in a variety of roles at an urban institution in Virginia for more than a decade. Her formal training is in counseling psychology and she has earned her Ph.D. in Counseling Psychology. In addition to her responsibilities as the Director, she is also a member of the Division’s Student Behavioral Intervention Team (SBIT).

The interview with Dr. Robertson took place in her personal office. It was spacious and comfortable. Throughout the interview I found her to be very gracious and forthright. She appeared comfortable sharing information not only about herself, her educational background and her experiences, but her thoughts and opinions about how MRU deals with students in crisis as well. She was also very open and forthright about the role her department should play within that process.

Dr. Robertson demonstrated an attitude of collegiality, an understanding of the need for mutual trust of her colleagues, and a willingness to communicate broadly and often with students if they are going to receive the coordinated care needed. She talked
about being one of many administrators who helps “put the support systems in place that maximize [a student’s] success. She also emphasized her desire to work with others at the university to help “create a campus culture” that promotes a “student’s right to be successful if at all possible so that we become a community that is compassionate.” She conveyed her opinion of the importance of why the process of dealing with students of this nature should involve multiple stakeholders.

As the interview progressed, she demonstrated a thorough knowledge of the process MRU has in place for dealing with a student in crisis. She delineated clearly the need to “distinguish between behavior and diagnosis and that we act on the basis of behavior in our official policies.” Dr. Robertson was cognizant of the balance between the “rights of the individual vs. the rights of the community” and how as a counseling center director, she needed to maintain that balance when making her recommendations to the SBIT. She even acknowledged that “in some ways she identifies more strongly as a higher education person that she does as a psychologist” at this point in her career although she still feels “very connected to the community of people who work in counseling centers nationally and professionally.” As the interview concluded, Dr. Robertson reiterated to me that a concerted effort to work together in partnership for the betterment of the student works best for all concerned.

Ms. Schmidt, Director of Residence Services

Ms. Schmidt has been the Director of University Housing Services at MRU for the past 20 years. She has spent her entire 25 year career working exclusively in the field of student housing. Prior to coming to MRU, Ms. Schmidt worked at a rural university
similar in size and type in the Midwest. She also was employed at a large, private, urban university in the East. Her bachelor’s degree is in family services and her master’s degree is in school and community counseling. In addition to her housing duties, Ms. Schmidt is also a member of the Division’s Student Behavioral Intervention Team (SBIT).

My interview with Ms. Schmidt was conducted in the conference room of the housing office. The room seemed sterile, but it was quiet and private. From the start of the interview until the end, her enjoyment of the “vibe of working on a college campus” and interacting with “the college age population” were clear. Even though she referred to herself as “lifer” you could tell Ms. Schmidt still very much enjoyed her work and was happy at MRU.

I was struck by her overall level of knowledge of how the many student affairs departments interact and collaborate with each other when dealing with MRU students. Ms. Schmidt’s 20 years of service at MRU have resulted in her developing numerous relationships with administrators across the campus. Those relationships helped her understand the need to be collaborative in order to promote student success.

Ms. Schmidt shared with me what she knew of the policies and procedures currently in place at MRU and was knowledgeable about how the institution should address students with behavioral and psychiatric issues regardless of the student’s residence. However, she also let me know that her first obligation as the Director of Housing is to protect the residential communities and the students who live within them. Her innate desires to help students and her counseling background have made Ms.
Schmidt sensitive to the struggles college age students’ experience, but she is not afraid to utilize the contractual tools she has at her disposal to remove a student and minimize the disruption he or she may cause to a residential community. This is especially true when CR & R processes which allow for the removal of a student from the residence halls seem to be moving too slowly.

*Dr. Allen, Coordinator of Community Rights and Responsibilities*

The Coordinator of Rights and Responsibilities at MRU is Dr. Allen. She has over 16 years of experience in higher education. (While the title of Coordinator at most institutions does not normally coincide with being responsible for an entire department, it is the case at MRU.) During the first eight years of her career, Dr. Allen worked exclusively in university housing at a large, urban, public institution in the South. She also held a position at a smaller, mid-major institution in the south prior to working at MRU.

After completing the degree requirements for her Ph.D., Dr. Allen served for a year in the Office of Community Rights and Responsibilities (CR&R) on an interim basis until her appointment to the department became permanent. Shortly thereafter, Dr. Allen was promoted within CR&R and then named Coordinator. She has served in that capacity for the past five years. Unbeknownst to me prior to the start of this study, Dr. Allen is the only individual interviewed who is not a member of the Division’s Student Behavioral Intervention Team (SBIT). Conversely, she was also the only individual I interviewed whom I have known as a colleague at MRU prior to the start of the study. Dr. Allen and I are both members of the Association for Student Conduct Administration.
I conducted the interview in Dr. Allen’s office. Her office was the farthest away from the reception area, and it was the largest of all the offices in the suite. The furniture was arranged so that Dr. Allen and a student could sit and talk at a table or the student could sit on a couch while she sat at her desk. Her office walls displayed the degrees Dr. Allen has earned, as well as personal pictures, and awards and honors.

As I expected, Dr. Allen possessed and was able to share a vast amount of knowledge regarding all of the processes and policies the University has in place for dealing with student misbehavior. She was able to articulate the numerous avenues by which a student may come to her attention and the various options available for adjudicating possible violations of the Code. Dr. Allen also spoke of the need for synergy between the SBIT team and CR&R when interacting with students who have come to the attention of the SBIT and/or CR&R. Even though she is not a member of the SBIT, Dr. Allen understood completely how, why and when the team is to be utilized as well as the policies and procedures the SBIT utilized when making its decisions.

Dr. Allen shared how she really enjoys the “students [she gets] to make connections with” through her work. She also discussed, at length, her strengths as “problem solver” and how she enjoyed her work. Dr. Allen “saw discipline as a problem solving activity and it (student conduct) just seemed like a good fit” for her professionally.

Dr. Allen told me that a close family member suffers from a mental health illness. She recognizes that her relationship with that family member has impacted her work with students, especially those with disabilities. Dr. Allen believes that the experience of
interacting on a regular basis with this family member “has made me very compassionate and patient” when she interacts with MRU students due to a concern about their mental wellbeing. In fact, Dr. Allen admitted she may “advocate for a student a little more” than her fellow administrators because of her feelings towards students with disabilities. It was very obvious Dr. Allen really enjoys her ability to “make connections” and “make a difference” in student’s lives.

*Chief Peck, Chief of Police*

Chief Peck has served in his current position at MRU for the past 26 years. His career in law enforcement has spanned a total of 44 years. Prior to coming to MRU, Chief Peck served as the chief of two small Midwestern municipalities in Illinois and in Missouri. Chief Peck he has served in almost every position that exists within a traditional law enforcement agency and his educational background is extensive. Chief Peck has obtained an associate’s degree, two bachelor degrees, and one master’s degree. He has also traveled to Russia to obtain training.

The instant I walked into Chief Peck’s office, I could not help but notice the abundant amount of police memorabilia on the walls, displayed on tables, and propped against walls: everywhere there was available space, there were police uniforms, weapons, and display cases filled with articles, badges, and awards. Chief Peck’s office resembled a small law enforcement museum.

It was apparent from the physical décor of the office, that the Chief is very proud of his own accomplishments within the law enforcement profession and those of his departments. Chief Peck was especially proud of his ability to recruit and hire female
officers, and hire officers who have obtained bachelor degrees. Chief Peck also thought it significant to share with me that he is a very active member of the National Association of the Advancement of Colored People (NAACP).

In 2008, the Police Department was moved into the Division of Student Affairs. The Chief spoke of collaborating with various departments and how much he enjoyed being a part of the division. Even though he believed that his unit was able to have “very rich and genuine professional dialogue” with departments within the division prior to the move to Student Affairs, it (enhanced communication) was especially true now since the unit’s transfer. Previously, the police department reported to the Assistant Vice President for Business Services within the Division of Finance and Planning.

Chief Peck was well versed on the police protocol for handling students who misbehave and may be experiencing a mental health crisis, but he had only a cursory knowledge about the role of other departments in managing students with these issues. The Chief was quick to point out that Major Tom (see below) represented the department on the SBIT and that he would be the best person to speak with me about the interaction between the police department and the SBIT.

*Major Tom, University Police Department*

According to Chief Peck, the Major is second in command at the MRU Police Department. Major Tom was not originally on my list of employees to interview for this study however, at the encouragement of Chief Peck, I scheduled a brief interview with him. The interview took place in his office which was small and only had enough room for a desk, a chair and a bookshelf.
Major Tom has been in his current position for the past five years. He began his career in law enforcement at MRU and then left the institution to work at a local municipality police force, where he remained for five years. Major Tom then returned to MRU and was hired as the Major of the MRU police department. Major Tom oversees the day to day supervision of the department’s officers, and he represents the police department on the division’s Student Behavioral Intervention Team (SBIT). He has earned a Bachelor of Science degree, an associate’s degree and is a certified law enforcement officer.

The purpose of interviewing Major Tom was to seek clarification regarding the interaction between the police department and other departments within the division, when students have been identified as having mental health issues that are of concern. Major Tom was able to help clarify and speak to issues regarding the communication between the officers and representatives from various departments, transporting students who needed to go to the hospital for evaluation and his understanding of the policies and procedures that exist pertaining to the successfully resolving student misbehavior.

He believed that everyone on the SBIT did a “good job of sharing information,” and that he serves as the conduit of information that is transferred back and forth between the SBIT and the police department. He did make mention of past situations involving students who the police department interacted with and who were seeking services from the counseling center at the same time and how the counseling center’s inability to share information at times was a “sticking point” that caused frustration. However, he acknowledged that he understood the need for confidentiality and the center’s inability to
share information without a student signing a release of information would be inappropriate. I found Major Tom to be very open and honest and appreciated his willingness at the last minute to make time for our interview.

**Characteristics of MRU’s Process**

Many themes emerged from the interviews. These themes are indentified and expanded upon in this next section.

**Trust**

Confidence in other administrator’s skills and the belief that everyone has the student’s best interests in mind when making decisions were recurring themes identified. The relationships that have been developed between the staff members who participate on the SBIT and amongst other key personnel who are not on the SBIT, (Dr. Allen for example) seem to have created a community of trust. The level of trust that has been developed between departments was illustrated by the numerous comments that were made by those who were interviewed. To illustrate, the police department’s key personnel “have a very good working rapport with all the people, like in housing for example” and those relationships help create opportunities for “very rich and genuine professional dialogue,” according to Chief Peck. Dr. Robertson concurred. She said, “There’s a trust developed in our team” and had that trust not been developed, her department would not be “as much as a player at the table” as it is now. Dr. Allen also commented that it is “really important that we have really good relationships.” The presence of positive relationships seemed to help manifest the belief that each person can
count on the other to help. This is especially important when an issue may arise with a student who taxes the professional comfort zone and expertise of the initial responder.

**Mutual Respect**

When colleagues in a work environment possess trust, mutual respect, and engage in effective communication, the desire to collaborate increases. Each individual who participated in this study indicated their belief that when resolving incidents that involve student misbehavior, they are successful in large part because of the significant collaboration that exists between administrators of each department. Ms. Schmidt, the Director of Housing commented how her staff works “with the offices of Disability Concerns and Counseling Services for assistance.” She said, that consulting with others whenever we can is the “right approach given what we are seeing [i.e. mental health issues within students].” Chief Peck and Major Tom both shared how the police department works closely with the housing staff and collaborates with numerous other student affairs departments including Counseling Services, CR&R, and Disability Services. Dr. Robertson best summed up the need for collaboration when she said, “We kind of all know what to expect from each other” when coming together to resolve a student issue. The staff’s familiarity with each other seemed to contribute to resolving student issues in a timely and efficient manner.

**Information Sharing**

Of the themes identified in this study, one of the more salient was the need for frequent and broad sharing of information. Several individuals interviewed commented on how the ability to obtain as much information as possible about an incident was
helpful to them in order to gain insight into what actually transpired prior to or during the incident itself. Moreover, any data about the students themselves that was collected through the sharing of information with others seem to lend itself to the creation of a deeper understanding of any circumstances that existed regarding the student’s behavior and the motivation for his/her actions.

The administrators thought that the sharing of information is needed if informed decision making is to take place. Even though she does not participate on the SBIT team directly, Dr. Allen realizes the importance of sharing information in a timely manner when she said, “I think when we don’t share (information) we don’t get a complete picture of what’s going on.” Collecting information from an array of sources and reviewing the information as a group helped to create a more complete picture of what actually took place and any underlying problems that may exist. Ms. Schmidt, the Director of Housing added, “If we communicate openly, it is easier to determine if the student is truly a danger or not.” The first step to successfully resolving them is to identify and understand the issues the student is dealing with.

Multiple mechanisms for the sharing of oral and written information were identified throughout the interview and document review process. Most of the written communication between administrators took place using MRU’s centralized database. This database provides web-based access for inputting notes and other information directly into the student’s electronic file.

MRU’s database is an essential component of the communication and response process used to manage student information. Information is entered into the database,
based upon pre-determined levels of access so administrators from multiple departments can view information and update it as the need arises. Dr. Robertson believed, “When we stray from that (using the database) and rely on email or phone calls where everybody’s not getting all the communication, then things can break apart a little bit.” Dr. Allen also thought the database is helpful “so that if they (the student) comes through again, I have all the history related to the student” in one centralized location.

Ms. Schmidt said that, prior to purchasing the database, “We didn’t have a mechanism in place to communicate as openly.” Moreover, even though ethical concerns limit her ability to share information with others outside of her department, Dr. Robertson can still view the information and then share it with her staff. Her staff has found the information she has access to and can share of use when treating their clients (students).

**Legal Issues: FERPA**

FERPA compliance was the most frequently mentioned legal issue surrounding the effective resolution of a student conduct case. Every individual interviewed was aware of FERPA and the restrictions that limit the sharing of information contained in a student’s record. The staff also was cognizant of the exceptions which allow the sharing of information as well. “I think we have a pretty clear understanding of the boundaries of communication” Dr. Robertson said. She added, “I think each of us individually has tried to keep up on the case law.” Dr. Robertson also expressed the need for her staff in the counseling office to adhere to the American Psychological Association’s (APA) ethical
guidelines as well as state laws that govern under information sharing with others (American Psychological Association, 2010).

The SBIT struggles with the confidentiality of patient information. However, the development of a communication network has helped the staff, including Chief Peck feel more comfortable and lessen the tension concerning the level of information being shared. The Chief said that there had been times in the past that “communication was not flowing both ways” between the Police Department and other departments, but he has seen significant improvements over the past few years.

According to Ms. Schmidt, some of the MRU staff has created “code talk” to help manage the flow of information between the housing office and the counseling center. “Code talk” allows the staff to navigate the fine line between what is an acceptable level of communication and what is privileged information. However, information is allegedly shared in a manner that still honors their commitment to student privacy. The “code talk” that has been developed at MRU allows the staff to communicate with each other about what issues the student may be dealing with.

According to Dr. Allen, at MRU, concerns about the constraints of FERPA are addressed through purposeful conversations between administrators. The conversation was focused and designed to better understand the limitations of the legislations. Questions such as, “What does having a legitimate educational need to know mean”, and “How do we disseminate information” and stay in compliance with FERPA were raised? A determination was made to interpret the “need to know” in a very broad manner so that members of the SBIT could share information liberally between departments. The
decision to interpret FERPA in such a broad manner seems to be in line with the philosophy of most of the administrators. Almost all of the MRU staff shared that they would rather provide information about a student to another, even if it meant being in violation of FERPA, than to have to justify to a parent why they did not share information about a student and possibly prevent someone from getting hurt, or worse yet, die.

**Training**

Many interviewees said that staff needs training in order to feel prepared and knowledgeable of the policies and procedures utilized to deal with student disruptions. The staff members in each department within the Division of Student Affairs have participated in training on a variety of topics such as threat assessment, FERPA, student mental health issues, and emergency response protocols. The SBIT members participate in training as well. This training is provided in order to help the members be current on issues related to campus threat assessment, students with mental health issues and disability law. Ms. Schmidt shared that the training the SBIT team received has been productive and useful for her.

In order to gain the depth and breadth of knowledge necessary to address complex student issues, cross training between departments at MRU takes place frequently. Such training includes not only administrators who participate as members of a response team, but other staff as well who may deliver necessary services to the student after the initial incident. Training by the Office of Disability Concerns tremendously benefited the housing staff according to Ms. Schmidt. Chief Peck informed me that training is
completed on a number of topics with his staff each year, and that his department
conducts educational outreach to several other departments every academic year. Dr.
Allen’s staff also offers training to various departments. Her staff conducts workshops
on such topics as FERPA and the various policies and procedures contained within the
Code that may be used to address student misbehavior.

**Southern Regional University (SRU)**

The second institution that participated in this study is also a four year, public
institution. Considered a rural institution, SRU employs roughly 10,000 people and has
an annual operating budget of over 1,200,000.00 dollars. The university is located within
the Southern region of the United States and the enrollment at SRU is greater than
47,000. SRU offers over 120 bachelor degree programs and over 240 master and Ph.D.
programs. The gender ratio of the student population is 46.9% women and 53.1% men.
More than 9,000 students live in on-campus housing. The student population is
comprised of a majority of traditional aged, full time, undergraduate students who
originate from within the state the institution is located. SRU was founded in the late
1800’s.

The Division of Student Affairs within SRU is comprised of 18 departments.
The departments within the division consist of the traditional units such as housing,
counseling, student conduct, disability services, campus recreation, etc… as well as some
non-traditional student affairs departments such as a children’s center, multicultural
services, a theatre and art gallery, and a women’s resource center. It is important to note
that the University Police Department is not a part of the Division of Student Affairs and
reports through the Office of Safety & Security. The Office of Safety and Security is a department within the Division of Business and Finance. The impact of the police department not being a part of the Division of Student Affairs will be discussed more in depth later in this chapter and during the cross case analysis in chapter five.

**Document Analysis: Policies and Procedures**

A review of the following documents was conducted in an effort to thoroughly understand the policies and procedures an administrator is subject to follow when resolving an incident of student misbehavior and the student is concomitantly experiencing a mental health crisis:

1. SRU’s Student Rules
2. Critical Incident Response Team Pamphlet
3. Engaging Students in Need Report
4. Concerning Behavior Response Guide
5. Dangerous or Disruptive Behavior Caused by Manifestations of a Serious Psychological Problem Policy
6. Campus Emergency / Tell Somebody Information Card
7. University FERPA Statement

Every document except the Code of Student Conduct was obtained from the Special Assistant to the Vice President of Student Affairs while I was on campus conducting interviews.
The Student Conduct Code

SRU’s Code of Student Conduct (Code), very similarly to MRU’s Code of Conduct, is designed to communicate the institution’s values and expectations of its students. A list of definitions at the beginning of the document is provided to ensure that the reader understands the terms included in the document. The Code also outlines the policies students are expected to adhere to while attending the university.

The information contained in the Code is disseminated via e-mail to all students on a semi-annual basis. Also, at new student orientation, information about the Code is provided to each student who attends. Furthermore, students in the residence halls also receive a handbook that contains information about where to find the policies included in the Code.

Policies related to hazing, sexual misconduct, physical abuse, alcohol and drugs and providing false information to university officials are included in the Code. Additional policies related to harassment, breaching campus safety or security, weapons, theft and disruptive behavior are included. However, several aspects of a model Code (Stoner and Lowery, 2004) are not a part of this particular document. They are located under the general Student Rules portion of SRU’s website.

SRU presented its policies and procedures in a slightly different manner from what I have been accustomed to. The policies and procedures of the discipline system are contained within a section of a larger document of rules and regulation that apply for the entire University, instead of being displayed as a separate and distinct document. The rights of students participating in the student conduct process are also broken out
separately from the actual Code and can be found under policy number 26. Information pertaining to disciplinary sanctions, conduct files, and the “Departure from Campus Following Suspension or Dismissal and Request for Reinstatement” protocol are also listed as separate policies in the “Life Threatening Behavior” policy. While the information is organized in a manner that does not follow Stoner and Lowery’s Model Code (2004), all of the necessary elements of a protocol for managing student misbehavior seem to be in place. The Student Conduct Code can be retrieved from the Office of Student Conflict’s website. It is also accessible within the Student Rules section of SRU’s main website. SRU’s Code was last revised in 2006.

**Critical Incident Response Team pamphlet**

The Critical Incident Response Team pamphlet is an eight by eleven tri-folded brochure. According to Dr. Charles, who serves as the Special Assistant to the Vice President for Student Affairs, copies of the brochure are distributed through presentations to internal stakeholders such as faculty, staff and students as well as external stakeholders such as alumni, parents, et al. The brochure is available in both hard copy and electronically throughout the university’s website.

The brochure is produced by the Division of Student Affairs. Specifically, the Department of Student Assistance Services is responsible for maintaining the accuracy of the information as well as the printing and distribution. The brochure is designed to heighten awareness within the campus and external community about CIRT. If people are aware that the CIRT exists, they will be more likely to report student incidents.
The brochure is provided to students after they have been involved in a critical incident, to help them understand what to do if they have missed class or need to take a leave of absence from the institution. It contains information about the purpose of the CIRT, the goals of the CIRT, who is responsible for activating the CIRT, and what typical issues the CIRT responds to. Information about the Department of Student Assistance Services and the responsibilities of staff in that office are also included within the document.

Engaging Students in Need Report

The Engaging Student in Need Report was completed on May 25, 2010. This six page document was created to help SRU constituents understand the efforts the Division of Student Affairs is taking in order to assist students. It is available upon request whenever the division needs to provide documentation of its efforts.

The document begins with a thorough, succinct overview of the increasing psychological needs of today’s college age students. The remaining parts of the document contain “some of the initiatives the Division of Student Affairs has to reach out and assist students in need.” The initiatives include a description of the Special Situations Team (SST), its purpose, and the members of the team. The next part of the document is an overview of the SBIC, its purpose, and the members of the team. Information about the CIRT is provided in the same manner.

The document also includes information about a “Tell Somebody” campaign. This campaign is designed to create an avenue for anyone to report behavior “they observe by another member of the University community that is concerning and that
needs to be brought to the attention of the team.” Instructions are provided as to how to file the report on-line or what phone number to call to make such a report.

The remaining pages of the document include information about SRU’s Student Counseling Services and the Helpline that are available to students. Also, a concise overview of a program named, “Question, Persuade, and Refer” is included. QPR is a campus-wide effort to help reduce acts of suicide. The program was initiated in 2004. Finally, a description of the Student Assistance Services department is included.

**Concerning Behavior Response Guide**

The *Concerning Behavior Response Guide* is a multiple use document. It contains information on all four sides of the document and is folded in the middle. A tab at the top of the document has the name of the document printed on it. Since it is a folded document, the same size as a traditional file folder and with a tab at its top, an administrator can store the document in a file cabinet and conveniently place other information related to its contents within the folder.

The document is a joint effort between the Division of Student Affairs and the University’s Task Force on Campus Emergencies. When first created, it was sent to all faculty members, teaching assistants and graduate assistants, academic advisors and all Division of Student Affairs employees. Other staff members who interact with students on a daily basis were also sent copies of the document. Subsequently, each year, all new faculty, instructors, graduate teaching assistants as well as academic advisors, and other staff on campus are sent this document. The document is available in hard copy and can be downloaded off SRU’s TELLSOMEBODY website.
The front of the folder has information how to recognize and respond appropriately to students who are in difficulty. The web addresses and phone numbers of numerous departments on campus such as Student Counseling Services, Student Health Services and Residence Life are also listed. Information within the document covers resources and frequently asked questions about students in distress, sexual assault and harassment, disability services, threatening behavior, and injury and illness. Information about the TELLSOMEBOODY campaign a brief overview of the SST is on the back of the document.

**Dangerous or Disruptive Behavior Caused by Manifestations of a Serious Psychological Problem Policy**

The Dangerous or Disruptive Behavior Caused by Manifestations of a Serious Psychological Problem policy was most recently revised in 2005. The policy can be found in the Student Rules area of SRU’s website. It is identified in Part II of the Student Life Rules section. The document identifies who provides psychological services to students in need. A list is included of examples of behaviors that might be subject to removal from the institution. The process for implementation of the policy is included as well.

This document contains information pertaining to the University’s policy on a student’s involuntary withdrawal from the institution. Known as Rule #30 to administrators around campus, it states: if a “student displays dangerous or disruptive behavior caused by manifestations of a serious psychological problem” the university reserves the right to involuntarily remove him or her if such action seems to be in the
student’s best interests and/or is necessary to protect the student and/or the campus community from harm.

Rule #30 allows the Vice President or designee to require the student (in writing) “to present himself or herself within one business day, to the Director of the Student Counseling Service or his designee.” This requirement is for the purpose of a mandated assessment to determine the appropriateness of a student remaining in the residence halls or on campus. Rule #30 can be implemented in lieu of the traditional disciplinary process if the Vice President deems appropriate. The information in the document concludes by informing students who participate in the process that they have one right of an appeal.

**Campus Emergency /Tell Somebody Information Card**

This two sided document serves a dual purpose for educating the campus community. One side of the document contains information and diagrams that outline the University’s emergency response procedures in the event one or more of the following incidents take place: (1) Campus wide emergencies (2) Medical emergencies (3) Fire alarms or real fires (4) Natural disasters.

The cardstock flyer contains flow charts that illustrate the actions individuals should take when trying to resolve one of the previously mentioned emergencies. Furthermore, it contains resources for “up to the minute local information” that a person could access in times of a crisis. A website address is provided in order to download a copy of the document.

Dr. Charles said that this document is distributed at both undergraduate and graduate student orientations. It is also inserted inside of the Concerning Behavior
Response Guide. Resident Assistants (RA) posts the document on the floors and on public bulletin boards of each residence hall. Also, copies can be found within academic buildings and elevators. Dr. Charles also informed me that the campus emergency information has also been affixed to the inside of each residence hall door on campus.

**University FERPA Statement**

SRU’s FERPA statement was also found on the Registrar’s page of the University’s website. The topics contained in the statement were identical to those in MRU’s statement. Information is available about directory information, who is considered a university official, what is a “legitimate need to know” in order to share information contained within a student’s educational record without their consent, a student’s right to access information in their records, and their ability to challenge the information if they believe something has been included in error.

**Interviews**

I interviewed the following individuals at Southern Regional University; (a) the Director of Counseling; (b) the Director of Residence Services (c) the Chief of Police and (d) the Special Assistant to the Vice President. I interviewed the Special Assistant to the Vice President instead of the Program Coordinator for Student Conflict Resolution Services because she manages the various processes used when as student has been alleged to have violated the Code of Student Conduct and who is concomitantly experiencing a mental health crisis. The information below is a brief synopsis of each interview. Pseudonyms have been created to protect the identity of the participants as well as the institution that employs them.
Dr. Charles, Assistant to the Vice President for Student Affairs

The Assistant to the Vice President for Student Affairs began her career at SRU in the area of alcohol and drug education programming. After completing her master’s degree in higher education, Dr. Charles left SRU to work at an institution in Arizona. She worked in orientation and new student programs there. After her fourth year, she returned to SRU and for the next 12 years was responsible for first year student programs.

While working in first year student programming, Dr. Charles was approached by the Associate Vice President for Student Affairs and Dean of Students about a new opportunity as the Assistant to the Dean. A relatively short period of time after accepting this position, she was approached by the Vice President for Student Affairs and asked if she would be willing to be on his cabinet as the Special Assistant to the Vice President. She accepted that position and in June, completed her fourth year as a staff member in the Vice President’s office. Dr. Charles recently completed her Ph.D. in higher education administration.

Our interview took place inside her office which is located within the Vice President for Student Affairs office suite. It was very professionally decorated, neat, and well organized. It seemed as though everything in the office had a place and there was no clutter or mess. Once our interview started, I found out that she enjoys work that is high in administrative detail so it was not surprising that her office was so meticulously neat. Our interview lasted the full one hour and 30 minutes we had allocated.

Dr. Charles was extremely knowledgeable about each emergency response protocol SRU has in place. She clearly possessed the most knowledge of SRU’ policies
and procedures of all the administrators I interviewed. I proposed a hypothetical situation
to her and she was able to inform me of each protocol or policy that might apply, and the
administrative unit that was responsible for executing it. Her depth and breadth of
knowledge is partially due to her responsibilities as the coordinator of CIRT.

Members of CIRT serve on a rotating call basis. They are considered the first
responders on behalf of the university administration when a major student crisis takes
place. The CIRT members must assess, respond to, and refer students to the most
appropriate process or resource available.

Dr. Charles was able to inform me of every resource that the division has to offer
when it comes to meeting the needs of students, and she provided me with multiple
documents for my study. Dr. Charles’s responsibilities as the coordinator of the initial
crisis response team is a good professional fit. As she shared with me earlier in the
interview, she “likes the administration part of student affairs.” Dr. Charles also serves
on the SST and the SBIC as a representative from the Office of the Vice President of
Student Affairs.

*Dr. Goldy, Director of Counseling*

The Director of Counseling has over 25 years of university counseling center
experience. When she started her professional career, Dr. Goldy was a certified in the
K-9 school system and taught for four years. When she needed to take classes to
maintain her certification, she began taking classes in counseling: [I] “liked my
counseling classes and I ended up getting a master’s degree in counseling psychology.”
After completing her degree, Dr. Goldy was hired as a school counselor in the K-12
system. To maintain her accreditation as a school counselor, Dr. Goldy needed to continue her education, and “thought, it’s not that many more credits for a Ph.D. and I liked it.” So she finished the necessary courses for her Ph.D.

She was offered an internship at SRU while completing her Ph.D. Once Dr. Goldy finished her internship, her degree requirements were complete, and she became a senior staff psychologist and then the acting Assistant Director of the Counseling Center. After a relatively short period of time in this interim role, she was promoted to the position of Associate Director. Dr. Goldy remained in that position for approximately two years.

Dr. Goldy then left SRU and became the director of a counseling center at a university in another state. She worked there for ten years. Upon the retirement of the Director of the Counseling Center at SRU, Dr. Goldy “started getting phone calls and e-mails” about the position. She thought, “Well isn’t this nice to get courted to come back and so everything kind of fell together”, and she returned to SRU as the director.

Dr. Goldy has been in her current position for the past nine years. Over the course of her career, Dr. Goldy has also been very active in the Association for University and College Counseling Center Directors (AUCCCD). She served seven plus years on the board of AUCCCD including president. Dr. Goldy said that AUCCCD provided her with the most current knowledge of how to handle students with mental health issues and of best practices in general.

Our interview took place in Dr. Goldy’s office. It was professionally decorated. Her academic achievements (degrees) were proudly displayed on her wall. (This is
required by law for all licensed psychologists.) Her office also had a personal feel to it. She pointed out to me one example not long after our interview started. A doll dressed as a little old lady was perched on a shelf. The doll was holding little scrolls in her hand which said, “be kind” on them. Dr. Goldy liked to say, “Be kind and do the kind thing” to her staff and other colleagues she works with. She said, “There’s enough people that we piss off”, so if you can, be kind or do the kind thing. I definitely got the impression that “being kind” is a mantra that Dr. Goldy tries to live by every day.

As our interview progressed, I felt a sense of sincerity and genuineness that resonated with me. She told me, “It’s [working with college students] the best job because doing therapy with college students, they’re young, there’re mostly verbal… and they are bright, they are capable, the therapy with them is wonderful.” Dr. Goldy smiled during the entire interview. I could tell she enjoys her job and likes working with college age students.

It became apparent that Dr. Goldy was very well versed in the policies and procedures used to resolve incidents of misbehavior by students who have psychological concerns. She shared with me information about processes and procedures of Code of Conduct and how they can help resolve student discipline issues. In addition, she identified the administrators and teams that collaborate in resolving a student crisis. Dr. Goldy is a member of the Special Situations Team (SST), the Student Behavioral Issues Committee (SBIC), and the Task Force for Campus Emergencies (TFCE). Additionally, she serves as a consultant to the Critical Incident Response Team (CIRT). Consequently, Dr. Goldy has become very well versed in SRU’s policies and protocols.
Dr. Goldy stated that “there are more students coming in already diagnosed with problems, maybe already with significant histories of hospitalization.” The increase of students on campus with pre-existing issues creates a “huge amount of pressure” and a need “to get it right the first time” when dealing with students. She believed that she and the rest of the counseling center staff are expected to “somehow be all seeing and knowing, so we can “fix” people.” She realizes this is an unrealistic expectation, but none-the-less, it exists in the community.

**Ms. Tanner, Director of Residence Services**

Ms. Tanner has spent her entire 30 year career in University housing. She earned a bachelor of social work as well as a master’s of higher education in student personnel administration. She has held positions as a residence hall director, area coordinator, assistant director, and associate director of housing. She has worked at SRU for over 20 years. Three months prior to our interview, Ms. Tanner was promoted to director when the previous director who held the position for 33 years, retired. Ms. Tanner has enjoyed her career in student affairs because she “likes the culture” and “you’re always learning. In addition, she likes the challenge of working with students and the constant change she experiences.

Our interview took place in a conference room next to the Office of Residence Life’s main reception area. At the beginning of the interview, Ms. Tanner seemed slightly anxious. I could not ascertain if this was due to discomfort with me as the interviewer, or if there was some other cause. As the interview progressed however, she seemed to become more comfortable. Overall, shared with me her knowledge and
opinions about how SRU responds to students who misbehave while experiencing a possible mental health crisis.

Ms. Tanner’s experience at SRU has enabled her to become very familiar with its protocols and procedures for dealing with students with behavioral and mental health concerns. She articulated the roles and responsibilities of her staff when responding to these students, as well as the processes of the SST, SBIC and CIRT. A majority of the incidents that involve residence hall students do not rise to the level of being addressed by the SST or SBIC, however, but when there is “a really big incident in the residence halls, I’ll share it with the SST or SBIC team.”

She believes that a good level of communication that exists between the residence services staff and other administrators on campus. “We share information” because the “more information you have, the better your educated decision is.” Like Dr. Goldy, when it comes to communicating with others in order to assist students, she would most definitely “err on the side of safety of the students and community.” She believes that “if you don’t share information, it hurts the process.”

I learned that all of her professional and paraprofessional staff has been trained on the university’s crisis response processes and protocols: it is “so important that they, (the staff) understand and that they’re trained well.” Ms. Tanner also shared with me how her own experiences of handling “explosions, residence hall fires, and staff suicides” in the past have helped her develop the skills and abilities to resolve almost any student issue that comes her way. As a member of the SST and SBIC teams, she has participated
in university wide training on threat assessment, crisis management, and legal issues.

Mr. Fricker, Chief of Police

Mr. Fricker has been at SRU his entire law enforcement career. He began his
career in law enforcement when he applied for a student work position within the
department. Not long after being hired by the police department as student employee, a
full time professional position became available, he jumped at the opportunity. In his 40
year career, he held every position within the police department before becoming the
Chief.

When Chief Fricker first went to college, he was planning on becoming a teacher. Obviously, his career path changed, but from his perspective not as much as one might think. He is still working in an educational environment: it is “just working with a little older student and you know every year we have a new batch coming in.” Other than for a brief time before he started college, the SRU police department is the only law enforcement agency the Chief has ever worked for. He plans to retire from his current position.

Our interview took place in the police department’s conference room. His daughter had a minor emergency so Chief Fricker was about 35 minutes late for the interview. However, with the flexibility of the schedule that was arranged for me, we were able to allocate the time necessary to complete the full interview. I found our time together to be very enjoyable. His demeanor was very student friendly and his words and tone conveyed a level of satisfaction that made me believe he truly liked his job.

Chief Fricker believes in a community oriented policing philosophy that allows his
officers to work with students and educate them first, and arrest or incarcerate only when absolutely necessary.

The Chief, like every other staff member I interviewed, had a thorough understanding of how SRU manages cases in which students misbehave while experiencing a mental health crisis. I was impressed with the Chief’s knowledge of the protocols and policies of the CIRT, the SBIC, and the SST. His level of knowledge is especially impressive because the police department is not a part of the Division of Student Affairs. It reports to another Vice President at SRU. When the police department is not a part of the Division of Student Affairs and is a part of another division from the rest of the departments that deal with campus crisis, there is the possibility that inadequate communication and a lack of collaboration may result. Fortunately, this is not the case at SRU.

The Chief expressed his appreciation for that fact that “student affairs incorporated us (the police department) into CIRT. He added, “Although a police officer may go to the hospital at the beginning to gather information, the key point is to get CIRT notified, and as soon as they’re notified, they basically kind of take over the case management.” The CIRT’s role in case management allows the officers to return to their campus patrols more quickly and provided the protection and services they were hired to do.

Communication takes place between the police department and other departments within the Division of Student Affairs in a consistent and timely fashion. Early on in the interview, Chief Fricker credited the Associate Vice President for Student Affairs and
Dean of Students for being pro-active and reaching out to the police department with the goal of creating a collaborative relationship between departments within the division and the police. He said that, the Associate Vice President and Dean of Students “has probably done more to help blend and build that connection to get our groups on the right track” than any other administrator during his tenure at the university. The Chief believed that communication and collaboration between his department and others on campus has increased by being asked to serve on the SST and the SBIC. He also stated that “there’s a close relationship between all of the offices now” and everyone has benefited from those relationships.

**Characteristics of SRU’s Process**

While conducting interviews at SRU there were multiple themes that emerged. These themes are indentified and expanded upon in this section.

**Trust**

Trust enhances the effectiveness of the SRU staff when having to manage students who are experiencing psychological difficulties. SRU has developed such a team where their trust in each other is predicated upon the extensive relationships that have been developed over time. Many of the administrators commented about a shared feeling of trust amongst the colleagues they work with. Dr. Goldy believed that, “We trust each other” and “the trust piece is huge.” Ms. Tanner said, “I have a very high degree of trust with my colleagues” in part because I “I have worked with some of these people for many years.” Through Ms. Tanner’s interactions with other administrators,
whether during a campus tragedy or working with them on a day to day basis, “I have witnessed their skill level” and trust their judgment and abilities.

Dr. Charles’s shares the same sense of trust with her colleagues as Dr. Goldy and Ms. Tanner. She said that the trust level that exists allows them to “have some open, honest, and frank conversations” which she appreciates. Moreover, the mutual trust allows the team to “really flush out and get at the heart of the issue to explore the best possible outcomes.”

The trust that exists among the staff members is not due to happenstance. Whether they are participating in training sessions together, attending various meetings, or collaborating on a project, each interaction has helped relationships develop and grow. The staff’s ability to trust each other, its consideration of each other’s alternative viewpoints, and the utilization of the expertise each administrator brings to the table when addressing critical incidents seems to result in sound decision making.

Collaboration

Kouzes and Posner (1995) wrote “By consulting with others and getting them to share information, leaders make certain that people feel involved in making decisions that affect them” (p. 161). One manner in which collaborating is illustrated is by allowing individuals the opportunity to provide input when designing the processes used to address student concerns. By allowing input into the design phase of the process, the end user is more apt to feel empowered to use it. This concept of collaboration was confirmed by Dr. Goldy when she said, “Since I have input in how the process works, I feel like it
works and I’m comfortable with it.” Her participation in the development of the process appears to directly correlate with the level of her support for the process.

A collaborative attitude was important to the administrators at SRU. Dr. Goldy said, “Everyone talks to each other which is a good thing” and, “We work together well.” Ms. Tanner also described the importance of collaboration when she said, “I think the key to a lot of what goes on here is the communication, relationships, and the networking.” She also pointed out that if “you don’t have a good working relationship, you’re not going to have a successful intervention.” Dr. Charles reiterated the need for good collaboration and teamwork as well. She expressed confidence that all of administrators who deal with student crisis support each other and added, “I don’t think there’s any barrier when we communicate.”

Chief Fricker also emphasized the importance of collaboration and teamwork. “There’s a close relationship with all the offices.” He also said, “Day in and day out you’re going to pick the phone up and call and it’s the same way (of communicating) we are all committed to” and that is why he believes they work so well together. The significant collaboration that occurs between the various administrators at SRU is not surprising considering the extensive amount of trust that seems to exist amongst the staff. However, according to Chief Fricker, it did not always use to be that way.

In the beginning, Chief Fricker pointed out, “We never, from a police side of it, would be called in unless it was very serious.” He also discussed how SRU had examined and learned from the portion of the Virginia Tech report that indicated they (Virginia Tech) had communication silos and a lack of sharing information regarding
Cho’s behavior. Specifically, he recalled reading that the lack of communication and the failure to “connect the dots” through a collaborative process had hindered the possible prevention of the mass murders on Virginia Tech’s campus. While he expressed his appreciation that the Division of Student Affairs fosters collaboration with the police department, he still recognizes that with the academic side of the house there is still some work to be done. He said, “I sometimes feel we still have that [a lack of collaboration] but is hopeful it will improve in the future.”

SRU’s decision making process for addressing a student in crisis is based upon good collaboration, trust, and mutual respect. According to Dr. Charles, anybody on the Special Situations Team (SST) can call together the team at any time and people are expected to attend. The commitment to attend a SST meeting, at times with very little notice, indicates to me they trust each other and that when a team meeting is initiated, everyone understands there is just cause to attend. The beauty of SRU’s process is that because each member is trusting and collaborative, they all are heavily invested in the decision making process and outcome.

**Communicating Information**

SRU’s process of helping any student through a crisis relies heavily on effective communication amongst various individuals on campus. Each administrator acknowledged the importance of communicating information in a manner that was timely and appropriate. Dr. Charles said, “As far as communicating immediately with people, I feel that we do a good job of that.” Not only is the timeliness of the information being shared important, but the depth and breadth of information that is shared also impacts the
process. Due to the staff’s ability to discern what information can be shared and with whom, they are all comfortable communicating in-depth details of an incident with each other. Ms. Tanner went as far as to say, “I don’t think you can over share.” She expanded on that philosophy and emphasized the point by saying, “If you don’t share, it hurts the process.” Dr. Goldy acknowledged at first there was a reluctance to share information among the parties when the team was first implemented. However, the reluctance seems to have been eliminated. Ms. Tanner believed that the communication between her colleagues that takes place currently has greatly improved and the current level of information sharing is appropriate.

**Communication Process**

As I learned more about the communication process of the SRU team, it was quickly apparent that focus is about the student and how to best support him/her. When I inquired about what the process was like when they all meet (the administration) to address a student concern, Dr. Goldy said, “The meeting is a meeting that we don’t focus on our own areas or you know our stuff, we focus on the student and what we can do.” Chief Fricker added that we “want to do make sure we’re doing the best we can and everything we can to help that individual to get through that crisis.”

**Legal Issues: FERPA**

The most prominent legal issue that arouse during my interviews was that of how to manage issues of student privacy when sharing information from a student’s educational record. The FERPA guidelines can seem complex when not thoroughly understood. Based upon the e-mail chatter I read on the Association for Student Conduct
Administrators list serve and the number of webinars and workshops that are being offered on the topic recently, it appears there is quite a bit of confusion regarding when you can share student information, what you can share, and with whom. When asked during the interview process if any legal issues impede or have impacted their process, every single SRU staff member mentioned the importance of understanding and following FERPA guidelines. Each staff member was able to convey a basic understanding of what the purpose of FERPA is and how that legislation impacts their process. Their advanced understanding of FERPA enables each of them to be cognizant of what criteria must be present in order to be able to share information with others and under what circumstances is it appropriate.

There also was uniformity in the philosophy that FERPA should be adhered to at all times, but if forced to make a determination as to whether it was permissible to share information or not, they would all err on the side of sharing information as opposed to not. It was clear that they worry more about the student’s wellbeing and not getting reported for violating FERPA. Comments such as “I keep that to myself and God forbid, the student dies” or “I’d always err on the side of the safety of the students and the community” illustrate clearly the point. Dr. Goldy went as far to say, “I said a long time ago that on the stand, what I want to defend myself for? So go ahead and sue me for this [i.e. sharing information when maybe I should not have]. I’m making sure the person, this human is safe.”

A few other legal issues were also mentioned, but were not nearly as impactful as FERPA. Dr. Goldy, raised the issue of the Health Insurance Portability and
Accountability Act (HIPAA). However, she was quick to point out that HIPPA did not seem to impact her area of responsibility due to the fact that counseling services does not accept insurance payments for their services. Institutions that have a health or counseling services fee and do not rely on insurance companies for third party payment are not impacted by HIPPA. A third issue raised by Dr. Charles was the state’s open records law. However, she noted that state law was directed more towards how they manage records of faculty and staff and not student records, as those records are covered by FERPA.

Dr. Goldy did mention that she is most concerned with her and her staff’s adherence to “state licensure laws” that govern records they maintain in the counseling center. She also cited the need for adherence to the “ethical standards associated with the American Psychological Association” when handling patient information as well. Finally, it is worth noting that when asked, not a single administrator was able to identify any case law precedent that may have impacted the original creation of or the current policies and procedures that exist at SRU.

**Experience**

SRU is fortunate to have experienced administrators who value the need to educate themselves and each other on how to best address the needs of the students who are acting out while experiencing a mental health crisis. Each administrator at SRU discussed how their years of professional experience and events they “lived through” have helped make them feel more comfortable when resolving student crises. As an example, Ms. Tanner shared that throughout her 30 years of “on the job training” she has
dealt with student and staff deaths, residence hall fires, and other campus tragedies that have made her feel confident she is ready to handle most any scenario that comes her way.

Chief Fricker felt the same. His 40 years of community policing at SRU have put him in a position to deal with a myriad of crises. He referenced how the “mandated crises intervention training…. that has to be done” for every officer on the force helps him feel more comfortable when his officers are out in the field dealing with students. And Dr. Goldy felt very confident that her “basic training was good.” Dr. Goldy also said, “Over the years I’ve had other training and dealings with disturbed folks and how having to respond to those types of students is now her bread and butter.”

**Findings by Research Question**

**Question One**

*How do organization characteristics (e.g., sharing of information, interpersonal relationships, etc.) impact the way the institution resolves incidents of this nature?*

The effective resolution of a student who misbehaves and exhibits behavior that creates concern for their mental health is greatly impacted by several elements. Elements such as the existence of cohesive interpersonal relationships among the professionals charged with addressing such issues are necessary to facilitate feelings of trust. Additionally, a high level of trust between co-workers leads to enhanced collaboration which in turn results in the sharing of information necessary to determine the appropriate outcome. When increased collaboration materializes between colleagues and the escalation of information sharing is made possible, all of the contributing factors
impacting the student can be realized. The ability to trust each other, collaborate, communicate freely, and share information are all critical components of the successful intervention processes evidenced at these two institutions.

The administrators who were interviewed on both campuses all made reference to the positive and productive relationships they have with one another. On both campuses, the members of the emergency response units have worked together for no less than 10 years. Such long standing relationships have allowed for the maturation of their relationships to reach a point where there is now mutual trust in each other. When strategizing the most appropriate outcome of an incident, because of their long association, each administrator trusts that the other will take into consideration not only how the student’s behavior may impact his or her own area of campus, but that of the larger community as well.

Comments from administrators on both campuses such as “we trust each other,” “we really tap into the expertise of the people who are sitting around the table,” and “I think that collaboration that’s been built as a result of people talking” all lend credence to belief trust is present amongst the group. Moreover, because of the “culture of trust” that has been established, even when a new member is introduced to the team they assimilate quickly to the environment and the expectations of collaboration, trust and mutual respect.

**Putting Students First**

Another element that impacts process at both SRU and MRU is the shared attitude of the staff that “the student comes first.” One MRU staff member said, When we come
together, the meeting is a meeting that we don’t focus on our own areas…We focus on the student and what we can do.” An SRU staff member said, “For me, it’s about connecting the student and surrounding that student with the resources they need.” This type of consideration where the student’s best interests are paramount allows for thorough and thoughtful options to be weighed when determining the most appropriate outcome.

**Data Sharing**

The ability and willingness to share information with one and another is also a characteristic that impacts the process. There was no hint of any hesitancy or resistance on either campus to communicate clearly and often. The only concern raised pertaining to the sharing of information was with two administrators at MRU who felt as though the process may be a little too dependent upon the actions of the Chair. Since information seems to flow through the chair out to the committee members, when the Chair is out of town, communication is not as timely. When the Chair is present on campus and able to respond quickly, the process of addressing student crises seems to take place in a more effortless manner. In spite of the concern, the process still seems to be effective and good decisions are believed to be made.

The sharing of data about students among colleagues takes place with regularity and in a timely manner at both institutions. It is the belief of each staff member I interviewed that each does a good job of sharing information with others. While administrators are mindful of the legal constraints of communicating information contained within a student’s record such as FERPA or state confidentiality laws, there are
no turf issues or other influences that impede the process of communicating information. Comments made by administrators on both campuses such as “having key players around the table” was important and “we are going to get other people in the loop right away so [we can work together]” exemplify their willingness to share. Of equal importance, or possibly even more important is the fact that they each believe that the other also shares information and no one holds back. Whether someone “sends an email back to everybody else so we know somebody’s taking care of” or there is direct discussion between individuals “where there is a lot of information sharing that occurs”, the overwhelming sentiment is that the sharing of information is paramount and they all seem to do a good job of doing so.

Another organizational influence that was present at both institutions and impacts the effective implementation of a processes designed to address students in crisis is the need for top administrators within the University to empower their staff members to make critical decisions. The trust and willingness to delegate to other administrators the authority to make the necessary decisions is vital in order to resolve incidents in an appropriate manner. Once the team has been assembled and the process is implemented, those in authority must trust that the process will work as it is designed to. At both institutions, the various teams that are in existence have the necessary individuals and expertise to make educated and well thought out decisions. Each member contributes their pieces of the puzzle (information) that helps provide sufficient information to be gathered so that the most appropriate course of action can be taken. The upper level
administrations seem to allow their response teams to do the job they were created to do and provide the tools and support necessary to produce successful outcomes.

Each administrator’s mutual respect for the other, the willingness to collaborate, and the appreciation for the talents and skills they all have acquired over the years has positively influenced the how resolve incidents. There is a shared acknowledgement that each brings a level of knowledge and expertise to the table that is necessary to address the myriad of issues that a student may present when in crisis and as a result, consistent and sound decision making occurs.

**Question Two**

*How have previous training and educational experiences of administrators who adjudicate these alleged violations shaped their thoughts or opinions about how to best resolve these types of incidents?*

Training on a multitude of topics such as university policy and procedures, legal issues, privacy rights of students and crisis response protocols is offered on an ongoing basis at both MRU and SRU. Additionally, throughout their careers via attendance at workshops, seminars and conferences, the knowledge and skill sets each administrator has acquired have enhanced their ability to respond appropriately to students needs. Generally speaking, the more prepared a person is by virtue of their advanced education and training, the more likely they are to be able to resolve situations in a manner that is appropriate and in compliance with University policies and procedures.

The training opportunities that take place at MRU and SRU are provided by numerous departments within and outside the Division of Student Affairs. For example,
the housing staff receives training from the police department, the counseling center and
disability services on crisis response, safety concerns and how to manage students who
have diagnosed disabilities. Additionally, the counseling center provides training to the
Police Department on recognizing mental health concerns of students and on both
campuses, the staffs at MRU and SRU have participated in Webinars on a variety of
topics such as assessing campus violence and FERPA to better educate their staff
members.

Each in-service that is offered creates the opportunity for the acquisition of more
knowledge. There is an overall feeling at SRU and MRU that the pursuit of continued
education and skill building in order to better manage students is necessary. “There is
always this growth going on and so your education never stops” said one staff member.
Another said, “We have unbelievable training here for special situations [crises].” The
staff embrace participating in the requisite training necessary to be prepared when resolve
incidents where students whose behavior may violate the Code. Whether experts are
brought to campus or individual campus administrators who bring with them their own
expertise are utilized, the training of the staffs is a priority.

In addition to the training each staff member may have participated in over the
course of their careers, their individual academic experiences also have impacted their
ability to successfully manage students and the issues they present. One staff member
shared an example of this type of influence when she was working with a female student
that, “I think because of Student Affairs and my educational background, I also was able
to make a connection with her.”
Experience

On MRU’s campus every administrator interviewed has no less than 16 years of professional experience in higher education. The staff member with the longest tenure is Chief Peck. He has worked at MRU for 26 years while the staff member with the least amount of seniority is Dr. Robertson. She has been employed by MRU for nine years. Collectively, all of the administrators interviewed have over 100 years of experience in higher education. Furthermore, every administrator at MRU has also earned at least a masters degree. Dr. Allen and Dr. Robertson have also both earned doctoral degrees in their respective fields of study.

At SRU, each administrator has spent no less than 20 years in their respective career fields. Chief Fricker has been has over 40 years of service in higher education. The staff at SRU has over 115 years of professional experience in higher education. Similarly to MRU, every staff member interviewed but one holds a master’s degree. Additionally, two of the staff, Dr. Charles and Dr. Goldy also has earned their PhD’s.

Individually, the knowledge each administrator has acquired through their formal education and in ongoing training has increased their ability to respond to an innumerable variety of student crises. As a whole, an interdisciplinary team that possesses a wide array of knowledge and skills sets that can be incorporated into the decision making calculus has also been created.
**Question Three**

*Have previous experiences of administrators who respond to student crises impacted their belief about how to best resolve these types of incidents?*

The individualized experiences of the staff members at both SRU and MRU have helped shape their thoughts or opinions on how to best resolve incidents of students who misbehave and may have psychological difficulties. Several of the interviewees were able to articulate at least one example where by encountering an incident in the past, or interacting with a student or family member has influenced their current decision making process. Dr. Allen’s shared a very personal example.

Dr. Allen has a “family member with bi-polar, schizoid-effective disorder.” As a result of her interactions with that relative, she believes “I am much more sympathetic and empathetic than others because I know what it is like.” She also shared with me that her greater understanding of students with mental health issues has helped her be more patient and understanding. Her personal interaction with individuals with disabilities has been an additional motivation to make a difference in students’ lives.

**Lived Experiences**

Several of the individuals interviewed provided examples of particular experiences that have influenced their decision making over the course of their career. Ms. Tanner and Ms. Schmidt have experienced multiple crises that have shaped the manner in which they proceed when resolving student misbehavior. Through Ms. Tanner’s involvement with fires in residence halls and completed suicides by staff and
students, she has learned to “always err on the side of safety of the student.”

Additionally, Ms. Schmidt related how the expectation of collaboration at her former institution has motivated her to maintain that same attitude of collegiality when working at SRU. She recognizes that, “It [my previous experiences] certainly helps me comprehend the things that we are dealing with” [and helps me] “connect with the compassion I have for the individual.” Ms. Schmidt’s collective experiences while working in the housing profession have also helped her consider a balanced approach between the needs of the student and the needs of the greater community as well.

Other individuals shared examples of moments in their lives that have impacted how they assess and resolve student incidents. Dr. Robertson’s years of dealing with students is directly linked to her long standing ambition to “contribute to society more broadly.” She believes that due to her vast interactions with others over the years, she is well suited to helping students make better choices. It is also motivating to her that being a counselor provides the “perfect opportunity to make long lasting positive changes in the lives of young people.” Dr. Goldy, who has many years of service in the field of counseling and having worked at multiple institutions during her career has helped her “be very pragmatic” and “use what I know is going to work” when she makes decisions regarding student issues.

The administrators at both institutions reported that their previous experience, whether of a personal or professional nature, helped them make sound judgments. While some were more willing to share more intimate examples than others, they all
acknowledged that the past has impacted the present and probably will continue to do so in the future.

**Question Four**

*What current state or federal laws have influenced the creation and implementation of each institution’s current process?*

The Family Education Rights and Privacy Act (FERPA) was the most significant legal rendering that was raised throughout each interview at both institutions. One staff member did briefly mention the American with Disabilities Act and how it is not appropriate to discriminate against students due to him/her having a disability. No other legal renderings were raised by any of the interviewees.

Administrators from both MRU and SRU were acutely aware of FERPA. They all understood the parameters under which the sharing of information contained within a student’s educational record can take place and when it cannot. One staff member said, “We have taken a really good look at that [FERPA] and there’s a lot of legitimate need to know on a lot of the stuff we do.”

When MRU and SRU first began designing their policies and procedures, both institutions grappled with how to define what is a *legitimate need to know*? One MRU administrator shared, “we were a little concerned about FERPA when we first started” (forming the SBIT). Then however, we “really started to thinking what does FERPA actually mean and what does having a legitimate need to know mean?” We eventually determined that “there’s a lot of legitimate need to know on a lot of the stuff we do.”
The dialogue that took place amongst the administrations about the communicating of student information at MRU and SRU produced a deeper level of understanding and comfort pertaining to knowing when, how, and to whom information can be shared. One administrator appeared to capture the sentiments of the administrators at both campuses when he said, “we all have a pretty clear understanding of the boundaries of communication.” It is clear from my interviews and general observations that the administrators at MRU and SRU are very aware of FERPA and understand the legal implications of sharing student data.

Another consideration raised was the counseling center staff’s ability to legally share information with others. Both states have confidentiality statutes that prohibit a licensed counselor from sharing information with others with few exceptions. Even though limitations exist, Dr. Robertson felt positive about how “the SBIT takes into account the restrictions placed on my involvement based upon state and mental health codes.” Dr. Goldy also acknowledged that even though there are restrictions that prohibit her from revealing information with others, it did not stifle the “information flowing freely to me.”

The legal constraints placed upon counselors that inhibit their ability to share information can be frustrating. One administrator commented that he did not always believe “communication was flowing both ways” but also realized why the information could not be given to others and understood the need for a release of information to be signed by the student in order for the therapists to discuss their clients information.
The limited concerns that were expressed were done so out of frustration that they might not have as much information as possible prior to arriving on the scene.

Dr. Robertson did inform me that she was exploring one possible mechanism that might increase the level of communication between the counseling staff and other administrators. Dr. Robertson is pushing for the creation of a case manager position to serve as a liaison “cause [sic] she is convinced that people have figured a way legally to have that person function under FERPA rather than under state and mental health codes.” If such a position were able to be created, there could be an enhanced sharing of information between counseling centers and other departments and this would greatly increase the depth and types of information that could be used when trying to determine the best way to help a student.

The final legal issue that was mentioned, but only impacted MRU, is the mandate that each institution in the state create a threat assessment team to respond to students in distress. Chief Peck from MRU was aware of the state mandate as was Ms. Schmidt. However, the others who were interviewed were not. MRU has complied with this mandate through the creation of the SBIT.

**Question Five**

*How are policies and procedures impacted based upon the institution type, geographic region and ongoing training that is made or not made available to faculty, staff and students?*

Because of the homogeneity of the samples, I was unable to detect any influence upon the processes and procedures based solely on institution type. My research did
reveal one geographical characteristic that was influential. MRU is located within one of two states in the country that currently has legislation requiring all institutions of higher education to have a threat assessment team and plan in place.

MRU has complied with this statute through their creation of the SBIT and the written information contained within their SBIT Protocol and Threat Assessment Matrix.

As I indicated in “themes” section of my review of each institution, training for faculty staff, and students does take place. However, I was not able to determine if the training that is provided has had any influence on each institutions policies and procedures. There is only possible positive correlation I could draw from the information obtained in my study regarding this issue. Through the on-going training that is offered, specifically to the members of the various crisis response teams, they are aware of current “best practices” that could help update their policies and procedures.

**Summary**

As referenced throughout this chapter, in order to maximize an institutions’ ability to respond in a timely and appropriate manner to students who are behaving inappropriately and experiencing some type of psychological crisis, there are several elements that should be present. First, an institution should craft a comprehensive set of processes and procedures that are legally sound. Whatever options are created to address such incidents should allow for the institution to choose the most appropriate approach when resolving the incident based upon the set of circumstances that exist. Moreover, any process or action that is initiated must be in compliance with the cadre of legal
Guidelines that exist such as ADA, FERPA, the Rehabilitation Act of 1973, and any other state laws the institution is obligated to follow.

Training for all employees who may be a part of the intervention should take place as well. A comprehensive understanding of the legal implications of any action taken to resolve an incident as well as a thorough knowledge of student privacy issues is important for the staff to possess. Training on basic crisis response techniques, general campus safety awareness and recognizing and responding to disturbed or disruptive students are also excellent topics that could be covered as well.

The development of a crisis response team may be the single most impactful tool an institution can develop to address students in crisis. When taking action, the team will need to balance the rights of the student with the rights of the institutions. While the team may concentrate on protecting the community from potential harm, the emphasis of their work is to address the inappropriate behavior and needs of the student (Deisinger, O’Neill, Randazzo and Savage, 2008). Attempting to retain a student at the institution should be the primary goal of any intervention; however any action taken should also be done while being mindful of the safety of the community. In the event a student is removed from the institution, clear, written guidelines should be provided to the student regarding any expectations the university has prior to his/her return.

The ability for colleagues to trust each other is yet another characteristic that should be present amongst individuals who are who are charged with responding to student crises. A significant level of trust amongst the multiple stakeholders creates a more collaborative and cooperative atmosphere for the team to operate within. Such
trust, when established, can result in the maximization of resources and the utilization of each individual member’s expertise when addressing the incident.

Finally, having a Vice President for Student Affairs who is supportive and has confidence in the manner through which incidents are resolved, enhances the level of autonomy needed to take action and the likelihood that resources will be allocated to produce a well trained team.
Chapter 5: Summary of Research Questions and Procedures

Students come to college with increasingly complex mental health concerns, and events such as Virginia Tech and NIU bring the issues of campus violence and student mental health to the forefront of colleges and universities across the country. There is a compelling need to create comprehensive processes and to streamline communication to address students who misbehave and who are suffering from a mental illness or crisis. While authors Deisinger, O’Neill, Randazzo, and Savage (2008) make suggestions as to how and why it is necessary to have crisis response team, as well as who should serve on such a team, very little research exists that discusses the factors that impact their success.

In this study, I identified two institutions that have a reputation for successfully designing and implementing processes used to resolve complex student issues. Both institutions have key leaders who have been able to positively influence the creation of their institution’s response protocols. Their experiences as former leaders within the Association of Student Conduct Administration and other nationally renowned organizations has helped establish them as experts in managing delicate and complex student issues.

This multiple case study sought to provide in-depth information from campuses that have developed ostensibly effective systems for managing students who misbehave and are concomitantly experiencing a mental health crisis. In this chapter, each case, organized by the research questions is discussed. The findings of the cross-case analysis conducted are also provided. Finally, policy recommendation and suggestions for future research are offered.
Research Questions and Procedures

This study was intended to contribute to the research pertaining to processes and policies used by institutions of higher education to respond to students who participate in inappropriate behavior and who are concomitantly experiencing a mental health crisis. A qualitative case study methodology was utilized to examine this issue, employing document review, observation and interviews. The following research questions were explored:

1. How do organization characteristics (e.g., sharing of information, interpersonal relationships, etc.) impact the way the institution resolves incidents of this nature?

2. How have previous training and educational experiences of administrators who adjudicate these alleged violations shape their thoughts or opinions about how to best resolve these types of incidents?

3. Have previous experiences of administrators who respond to student crises impacted their belief about how to best resolve these types of incidents?

4. What current state or federal laws have influenced the creation and implementation of each institution’s current process?

5. How are policies and procedures impacted based upon the institution type, geographic region and ongoing training that is made or not made available to faculty, staff and students?

Interviews

I conducted interviews with key administrators from each campus who are involved in the day to day resolution of students who misbehave and are concomitantly
experiencing a mental health crisis. During my visit to MRU’s campus, I interviewed the Chief Student Conduct officer, the Chief of Police, the Director of Counseling Services and the Director of Residence Life. While at SRU, I interviewed the Special Assistant to the Vice President for Student Affairs who is responsible for managing most processes associated with students in crisis, the Chief of Police, the Director of Counseling Services, and the Director of Residence Life. Following my initial interviews, follow-up interviews by phone and the process of member checking was completed.

Cross-Case Analysis by Research Question

Question One

*How do organization characteristics (e.g., sharing of information, interpersonal relationships, etc...) impact the way the institution resolves incidents of this nature?*

Numerous organizational characteristics were identified at both institutions which influence the response to student misbehavior. Characteristics such as, long standing working relationships, extensive collaboration and information sharing were all present. Moreover, both MRU and SRU’s administrators operate under the shared understanding that decisions made in times of student crisis are done so using the collective expertise of all those who have been designated to respond. Additionally, the sharing of information and the processes used to do so also affect each campus’s ability to respond appropriately. Finally, there was consensus amongst all of the SRU and MRU staff members that any decisions that are made when resolving an incident should be done so with the student’s best interests in mind.
The administrators at SRU and MRU who are responsible for resolving student crises appear to trust each other explicitly. At SRU, the frequent interpersonal interactions that take place on a day to day basis coupled with the extensive longevity of their working relationships have cultivated this trust. Every administrator on both campuses discussed the importance of trusting each other and relying on each other in order to successfully meet the needs of students.

**Working Relationships**

At MRU and SRU, long standing working relationships are present. Many at MRU spoke that trust has been established due to working together for so many years. So it was surprising to me that they choose to communicate via e-mail or by phone and only meet in person when an incident is of a very severe nature. This seemed to inhibit their ability to have the same level of meaningful relationships and trust that was expressed by administrators at SRU. The infrequency of their team meetings seems to contradict the MRU SBIT document which that states, the “SBIT meets monthly during the fall and spring semesters with additionally meetings as necessary.”

The SRU document, Engaging Students In Need, states the SBIC and SST will meet on a regular basis. Information obtained from my interviews confirmed that the SBIC team meets face to face at least bi-weekly and the SST meets face to face at least one time per month. It was clear from the comments made by multiple SRU staff members that the preferred mode of communication is face to face in contrast to the MRU staff who prefer to share information electronically. The face to face interaction
that takes place amongst the SRU staff seems to promote a higher level of comfort with each other than at MRU.

A belief in a high degree of collaboration amongst administrators was also present at both institutions. The staff members at both schools discussed the importance of teamwork when managing difficult student incidents. Each institution does a very good job of utilizing their staff member’s collective wisdom and expertise. Moreover, the manner in which they work in partnership assists them in gathering vast amounts of information needed to respond appropriately to critical situations. Furthermore, the alliances that have been established between colleagues at both SRU and MRU are present not only during times of crisis, but on a day to day basis as well.

**Information Sharing**

Colleagues are able to amass information that they are willing to share at both institutions. They do not hesitate when the sharing of information is necessary. The in-service training on FERPA has helped them understand who can share information with others, and when that should take place. This contributed significantly to the level of comfort each has when so doing. Moreover, especially at SRU, participants indicated that the sharing of information with each other has been shaped by previous campus crises. Finally, by examining the experiences of other campuses that did not share information when they should have, the lessons learned from those experiences has contributed to the current campus culture where everyone understands and has a willingness to relay data to each other in order to appropriately manage a student who is troubled. The increased comfort in communicating with others enables administrators to
obtain as much information as possible which is important to do before a course of action is chosen. The administrators at MRU and SRU are all confident that if trust, collaboration, committed relationships, and information sharing occurs on a regular basis, the result will be a comprehensive and appropriate response with a positive outcome.

**Question Two**

*How have previous training and educational experiences of administrators who adjudicate these alleged violations shaped their thoughts or opinions about how to best resolve these types of incidents?*

Each administrator’s ability to respond to a student in crisis appeared to be enhanced by the professional development opportunities they have participated in. Several of the SRU and MRU staff members believed that the years of professional experience and professional development opportunities have proven beneficial in carrying out their job responsibilities.

Training and outreach to faculty, staff, and students occurs on both campuses. The MRU and SRU administrators expressed confidence in their preparation to respond to students in crisis. However, SRU’s efforts to provide consistent and on-going training seem to be vaster than MRU’s. This may be attributed to SRU’s Division of Student Affairs budget and number of staff which is more robust than that of MRU. More examples of on-going training opportunities were provided by the SRU staff than the MRU staff. The SRU staff also seemed to have developed a more expansive outreach program for the general campus community in order to create awareness of the resources available than MRU currently provides. Finally, while on-going training is valued at
both campuses, SRU clearly has considerably more resources to bear and has brought to campus well known experts in the field of crisis management.

The crisis management training they received in their current positions or prior to being employed at MRU or SRU has served them better than their formal education or academic accomplishments based upon the comments I heard. However, as one might expect, the directors of both counseling centers shared how their academic training in psychology and counseling was especially advantageous to each of them. The Chief of Police at MRU was convinced that a college degree increased his officers’ preparedness to serve and protect and the Chief Conduct Officer at MRU stated that her academic training, combined with her student affairs experience, has enabled her respond to student incidents and become a more competent professional. I was somewhat surprised by the fact that not every individual acknowledged the influence of their previous educational experiences. I would have thought that throughout their careers, some formal educational experience would have been influential.

**Question Three**

*Have previous experiences of administrators who respond to student crises impacted their belief about how to best resolve these types of incidents?*

The administrators at both MRU and SRU were positively influenced by their previous experiences. There were many examples provided during the interviews that illustrated how prior occurrences have influenced their approach to resolving student crises. One person was more empathetic towards a student with psychological disabilities because a family member has suffered the same fate, and others felt more
comfortable after facing similar incidents: each prior experience has been of benefit as they approach the next.

The experiences of the administrators of SRU and MRU all has let to their interacting with others in a collaborative and cooperative manner. Interactions of this nature are a result of successful partnerships experienced in the past, both at the current and former institutions. Likewise, the level of trust with one another can also be attributed to their past experience with others on their current and previous campuses. The data indicated that long standing relationships and working side by side so often in the past was significant. The considerable amount of trust exhibited by the administrators at both MRU and SRU has motivated them to share resources, communicate well and overall, enhanced their ability to respond to students in crisis. This result was not surprising as I have experienced the same phenomenon on my campus.

**Question Four**

*What current state or federal laws have influenced the creation and implementation of each institution’s current process?*

The primary legal issue revealed during the study which the staff were most aware of that had an effect on both SRU and MRU’s processes was The Family Education Rights and Privacy Act. A secondary consideration mentioned, almost in passing during a single interview was a reference to the American with Disabilities Act (ADA). The one administrator who made specific reference to ADA said, “We looked at ADA and how that weaves into this” (the handling of incidents) but no further information on this legislation was mentioned again.
FERPA was enacted into law on August 21, 1974 (Department of Education, n. d.). FERPA was created so that students who are in college or parents of children who are enrolled in K-12 schools have certain rights pertaining to the information that is contained inside their record(s). FERPA guarantees each student and/or their parent three main rights:

1. The right for a student to gain access to and inspect information contained in any their educational record;
2. The right to challenge information contained within their educational record; and
3. The right to have information contained within their record released when requested.

FERPA also allows for the release of information to others without the student’s permission under certain circumstances. There are two exceptions to FERPA that the staffs at MRU and SRU were most aware. The first is the exception to release information to another employee when there is a legitimate need to know. The Registrar’s website on both campuses provides the campus community with definitions of what each campus considers a legitimate need to know.

The second manner in which information is shared with others without obtaining the student’s permission is when the student is involved in an incident where there is an imminent health or safety concern for the student. According to FERPA, information may be released without the consent of a student to “Appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons” (Department of Education, (n. d.), #10).
This exception has increasingly been interpreted very broadly as a result of the recent acts of violence on college campuses. The overriding philosophy amongst administrators seems to be they rather share information than not. In the case of Gonzaga University v. Doe (2002), the court held there is no right to private action against an individual for violating a student’s FERPA rights (i.e. an individual cannot be sued in court for monetary damages). Due to that fact and the potential horror of having to answer to the parents of a student who harmed himself/herself or others because information was withheld that could have been used to avoid a tragedy, most staff members prefer to face the possible consequences from the Department of Education than then the parent(s) of a student.

The administration at both MRU and SRU were acutely aware of all of the legal restrictions the Family Education Rights and Privacy Act places upon them when providing student data to others. The members of the various campus crisis response teams all have taken the time to participate in training on FERPA. They each possess a thorough understanding of what contents from a student’s educational record can be shared, with whom, and under what circumstances. The in-depth understanding of FERPA that administrators on both campuses possess has had a positive impact in that when information is shared, it is done so in a legal and ethical manner. Moreover, when providing information about a student to one and another, it is done while taking into account the student’s best interests.
Question Five

How are processes and procedures influenced by the institution type, geographic region and ongoing training that is made or not made available to faculty, staff and students?

I could find little evidence of influence upon the policies that exist at both institutions based upon institution type (public, four year). As mentioned previously, some legal considerations that impacted each institution’s processes and procedures did exist, but because MRU and SRU are both state institutions those issues would be applicable to any institution receiving federal funding and not unique to either MRU or SRU.

The processes and procedures used at each campus did not seem to be shaped by the particularities of the environment except in one manner. Due to the fact the student enrollment of SRU is more than two times that of MRU, the financial resources at SRU were significantly more robust than those of MRU. The budget for SRU’s Division of Student Affairs is approximately $1,000,000 as compared to $850,000 at MRU. SRU’s extensive resources have allowed the institution to create more options to choose from when responding to students in crisis than MRU. SRU has been able to develop and implement multiple processes to respond to the behaviors of students in crisis as compared to the single response which exists at MRU. While SRU has allocated significantly more resources to policy creation and the development of their multiple crisis response teams as compared to MRU, both institutions are well prepared to deal with student issues that are difficult to manage.
At MRU, the Student Behavioral Intervention Team is a singular response mechanism to any type of student crises whereas at SRU, there is an expansive repertoire of options. The Special Situations Team, the Critical Incident Response Team and the Student Behavioral Issues Committee provide options for appropriately responding during a crisis. Additionally, SRU has an entire staff within the Office of Student Assistance Services to help coordinate any follow-up response, while MRU does not.

When assessing the geographical differences between the two institutions and whether or not the physical location of either played a role in the development of their respective processes or procedures, I was able to identify one relevant attribute. The single geographical characteristic that influenced the creation and implementation of processes and procedures used to address student crises was the legal requirement of MRU to create a threat assessment team. This requirement is mandated by state law for all public institutions located within the same state. The state in which SRU is located within has no such legal requirement.

On-going training for faculty, staff and students takes place on both campuses to varying degrees. Both the SRU and MRU administrators expressed confidence in their education and training they have participated in. SRU’s efforts to provide consistent and on-going training seem to be richer than MRU’s. Comments made during my interviews with SRU staff members such as “we have significant training in what to look for” and “we have unbelievable training here for special situations” illustrated the institution’s commitment.
SRU also seems to have a more extensive outreach program designed to generate awareness of resources on their campus in contrast to those available at MRU for their community members. MRU does not appear to conduct any outreach to the faculty, staff or students outside of the crisis response team members and other key employees within the Division of Student Affairs. SRU’s efforts to educate the campus community through various outreach programs such as the “Tell Somebody” campaign, various brochures that have been created and other forms of information that are disseminated on the campus are much more comprehensive.

Discussion

The relationship between students and universities is continuously evolving. The shift from *in loco parentis* before the 1960s where institutions had significant autonomy and were held in high deference when dealing with students has now shifted to an environment where helicopter parents are more involved in their student’s lives than ever before. Parental involvement, coupled with the complex nature of resolving incidents where students who are in crisis has created an environment where the decisions being made by colleges and universities today as they resolve incidents of inappropriate behavior seem to be challenged daily. Moreover, considerable attention is now also being given to the legal rights of students and greater scrutiny of the actions of universities is now the norm.

Today, higher education institutions are operating within a set of new realities. The rising mental health concern of students on campuses and the increasing frequency of inappropriate behavior caused by their inability to manage their illness are causing
significant time and resources to be spent on addressing these issues. Furthermore, the increasingly litigious society in which we live is causing apprehension and constant inspection of how we interact with students and what action may be taken against them. The catastrophic events on the campuses of Virginia Tech and Northern Illinois as well as the more recent shooting involving a former Pima Community College student have brought even greater attention to the issue of how institutions of higher education respond and react to students who misbehavior and are in crisis.

The two campuses that are part of this study have sought to create processes and procedures to operate within a context that, on the one hand, recognizes the expectation that campuses must be safe, while on the other hand, try to maintain a balance of student rights and fundamental fairness.

Both campuses have acknowledged multiple perspectives of, and perhaps even conflicts between, established laws and administrator’s perception of how to make the right decision. It is important to recognize that both universities have opted for focusing on student safety first and the legal liabilities of their actions second as the only viable choice when conflicts occur. While this approach may increase an institution’s legal liability in court, there was solace expressed by many because they believe the approach of putting the student’s needs first is the right thing to do.

This study provides a glimpse into the conditions required to navigate these challenging times. Any conclusions are tempered by several facts. First, the administrators who work together on both of these campuses have been influenced by years of professional education, training and development within their respective helping
professions. They have all had to resolve multiple student crises during their careers and have done so with the best of intentions. Whether they are police officers, licensed counselors and psychologists, or student affairs professionals, they have all held strong to the principles of their profession whereby assisting students in a compassionate and caring manner is the norm.

As evidenced in the literature review, considerable research and writing has been given to issues of the evolution of student behavior and in loco parentis, student conduct policies and procedures, student privacy rights, and the retention of students with mental health illnesses. How policies and procedures intersect with the rights of students so discrimination does not occur is also currently being explored. This study provides an important supplement to this history. The scholarship of law and higher education is lacking the stories of the institutions who seek the best ways to serve students and keep their campuses safe. It is through stories like these that other professionals, perhaps at institutions that have not yet developed multifaceted systems and practices, may learn to improve their approaches to this significant, and perplexing challenge.

**Recommendations for Practice**

In the last several years, much has been written on the topic of student mental health, threat assessment, and the composition of campus crisis response teams (Harper & Peterson, 2005; Kadison & DeGeronimo, 2004; Lipka, 2008; and McKendall, 2010). Administrators who interact with students on a daily basis know that every institution should have tools such as a crisis response team(s) to respond to students whose behavior is affected by a mental health crisis. It is important to note that the climate on every
campus is unique and impacted by multiple influences. An effective strategy to resolve an issue on one campus may not be appropriate for another. While these recommendations may be appropriate for most campuses, they should not be assumed to be effective on every college or university campus across the country. The following recommendations for practice are being made as a result of the data obtained from this study.

**Multidisciplinary Team**

A team of diverse professional administrators who work together and utilize the individual expertise of each member is critical to the successful resolution of incidents involving students who misbehave and who also are concomitantly experiencing a mental health crisis. While every campus has varying degrees of resources and personnel, minimally, representation from the following departments should be considered when assembling the team of decision makers:

1. University Police Department
2. Student Conduct
3. Counseling Services
4. Residence Services
5. Office of General Counsel
6. Representative from the Vice President for Student Affairs and/or Dean of Students Office.
7. Representation from the Office of the Provost
With the exception of representations from the student conduct office, both MRU and SRU include all of the same personnel on their respective teams. The above mentioned list of core participants is also consistent with the recommendations made by Deisinger, Randazzo, O’Neil, and Savage (2008) in their book, *The handbook for campus threat assessment and management teams*.

While the core team members on each campus may vary, when warranted, representatives from other departments might be added. These may include representatives from athletics, disability services, health services, student support services and multi-cultural affairs. The utilization of representatives from a broad based group of campus constituents allows for the collection of as much data as possible about both the student and the incident, and promotes a comprehensive view of the issues in order to discern the most appropriate course of action

**Investment of Resources**

In order to respond appropriately to students in crisis, universities need to allocate the time and invest the resources necessary to develop impactful intervention strategies, provide training to their staff members, and regularly acquire the most up-to-date information available for managing student crises. On today’s college campuses we are all doing more with less. Financial resources are dwindling and the prioritization of how to best allocate the financial resources that are available is difficult. However, even in tough times such as these, colleges and universities must maintain a high level of alertness to students and the issues with which they are coping. As history has taught
others to ignore such issues and not be prepared to respond appropriately can result in tragedy.

**Training**

A thoroughly trained university community is another significant component of an effective response process. Training should be done on several levels. First, educating the faculty, staff, and students about what avenues are available to report concerns they may have for others is necessary. Also, teaching students to understand how to obtain assistance for them is also appropriate. Enhancing the overall awareness of the resources available to the university community and reducing the social stigma associated with obtaining help can increase the reporting of student concerns and self referrals thus resulting in earlier intervention.

Second, training for all paraprofessional staff that focuses on topics such as recognizing signs of students in distress, listening skills and ensuring they understand what university resources are available so they can successfully refer a student to the proper resource is also helpful. Training for student staff regarding student confidentiality laws is extremely beneficial, as it reduces rumors and enhances accuracy in reporting.

The members of the crisis response team(s) should also participate in training on a routine basis. First and foremost, information about all of the university’s processes and procedures pertaining to how to respond to a student in crisis is essential. If an administrator does not know about the resources and options available to him/her when working with students, he/she cannot be expected to respond appropriately. Numerous
other training opportunities can and should be offered as well. Topics such as student
privacy laws (i.e. FERPA), identifying and understanding how to properly refer students
with mental health concerns and active shooter training should be implemented.
Moreover, training on an ongoing basis to keep abreast of any changes of legal issues
and/or new trends that may impact how to best respond to students in crisis is also
important.

**Relationships**

An institution would be remiss if there were not intentional efforts made to create
positive relationships amongst the administrators who are charged with responding to
students in crisis. In their book, *The leadership challenge: How to keep getting
extraordinary things done in organizations*, Kouzes and Posner (1995) wrote “leaders
who build trusting relationships within their team are willing to consider alternative
viewpoints and make use of other people’s expertise and abilities” (p. 165).
The relationships that exist amongst the members of both MRU and SRU’s crisis
response team(s) are collaborative, trusting and communicative. Purposeful interactions
through regular meetings as well as casual contact over the years have resulted in the
formation of a team where mutual respect and appreciation for each others’ skills and
abilities exists. It is the existence of this type of atmosphere that is necessary on a
campus for students who have significant behavioral and psychological issues to be
successful.
Reporting Structures

A noted difference between MRU and SRU is the fact that the SRU’s Chief of Police does not report to the Vice President for Student Affairs. Even though my experience at other institutions tells me that the placement of the police can be very problematic if they are part of a different division, I found no evidence that the difference in reporting structures has had any negative ramifications for the SRU staff. I surmise from the data obtained in the interview with the Chief of SRU, that the positive relationships present and the frequent communication the police department and the rest of the Division of Student Affairs experiences on a day to day basis is attributed to the deliberate efforts of the Vice President for Student Affairs team. Specifically, the Associate Vice President and Dean of Students have made a conscious effort to be inclusive of the police department when responding to students, providing training and discussing policy issues. As has been the case with the SRU police department, if the current reporting structure does not allow for the police department to be part of the Division of Student Affairs, investing the time to build a positive and collaborative relationship can produce positive results.

Processes and Procedures

Processes and procedures that guide an administrator through the resolution of an incident of student misbehavior should be developed with great care, in order to withstand legal scrutiny. Essential to any procedure used in a student conduct process are basic due process rights. The first is to be informed of what alleged violations he/she may have committed. The second is the ability to receive notice of the time, place, and
date of any meeting scheduled in order to be heard or respond to the alleged violations. The presence of these two elements creates the foundation of legally sound process (Dixon v. Alabama State Board of Education, 1961). The processes used at both MRU and SRU contain such rights. Finally, all processes or procedures should be included within the institution’s Code of Student Conduct and be readily available for students to review.

**Campus Awareness**

In addition to providing training on what policies and procedures faculty and staff should be using when responding to a student in crisis, a comprehensive marketing campaign about the resources the university has available to assist students should also be utilized to educate the entire campus community. Similarly to SRU, stickers with basic crisis response information can be made for all of the backs of residence hall doors to help inform the residential population. SRU’s file folder holds relevant documents, and important information is printed on the front, back and inside. This is a creative way to disseminate vital details about crisis response and the various campus resources that are available. Brochures could be created to address the treatment of disruptive students and to notify the university community regarding important policy information.

Both MRU and SRU disburse crisis response information to their campus constituents. It is appropriate to disseminate information directly to students, faculty and staff regarding the policies and processes that may be used to address any inappropriate behavior. Minimally, the Student Code of Conduct should reference any process or policy pertaining to students that might be utilized (i.e. mandated withdrawal policy,
summary suspension, etc…). Information can also be provided via e-mail, posted on web pages and should be made available in hard copy upon request.

**Summary of Recommendations for Practice**

There are influences which can either help or hinder an institution’s ability to respond to students in crisis. Addressing the needs of students who misbehave and who are concomitantly experiencing a mental health crisis are complex scenarios that require proceeding with great care. Considerable time and resources aught be spent on these issues to insure appropriate responses are effectuated when such occurrences take place.

The staff of both MRU an SRU are genuinely concerned with the wellbeing of their students. Administrators who are student centered like those at MRU and SRU should be highly valued. There is compelling evidence in these two cases that there is a need for institutions to take the time and invest the appropriate resources to craft well written and legally sound processes. Both institutions dedicated the time necessary and researched examples of best practices and legal mandates to craft effective processes on each for each of their campuses. Moreover, intentional discussions with stakeholders occurred which resulted in increased support for the processes developed. By following the steps taking by MRU and SRU, institutions can produce a set of processes that guarantee the rights students are legally entitled to, but yet are also malleable so as to protect the greater university community as well.

The intentional creation of opportunities which promote and develop mutual trust and respect amongst staff members is also important and was evident to have influenced both campuses processes. The ability of each staff member to trust their colleagues, work
collaboratively, and thus share information accordingly are all critical characteristics that should be present in a successful response process. Finally, those institutions who utilize campus crisis response teams and the expertise each individual brings with him/her to the team will no doubt be very adept in resolving incidents of students who misbehave and who also may be experiencing a mental health crisis.

**Recommendations for Future Research**

The data from this research have generated a deeper understanding of the characteristics necessary for inclusion in an institution’s process to resolve incidents where students present with behavioral issues and face mental health concerns. However, there are still many opportunities for additional research. There is currently a limited amount of information available about a myriad of other aspects of university crisis response processes and policies for study.

There is a large gap in the research concerning why some institutions choose to resolve incidents of student misbehavior and when they are experiencing a mental health crisis through their current discipline process versus those who manage these incidents with alternative processes and procedures outside of their Code of Student Conduct. This single question could be significant enough to conduct an entire study on. Another phenomenon for study is for those institutions that have a crisis response team, to explore the dynamics of the actual interworking of the team as well as the communication styles of its members.

Yet a third area that would warrant further research is the assessment of effectiveness of the processes and procedures that are being utilized. I have been unable
to find any research concerning how institutions determine if a successful intervention with a student has actually taken place. While both MRU and SRU meet at various times to review past incidents, currently, neither has in place any type of formal evaluation process to identify if the intervention that took place was successful.

While MRU and SRU have comprehensive response processes in place to deal with students in crisis, some institution do not. Examining the motivation behind the desire to create a more comprehensive approach as well as how an organization navigated the process of creating the systemic shift necessary to implement such a process would be very beneficial to others that need to make the same journey.

The similarities in the characteristics contained within the processes of both institutions seem to indicate that regardless of the type of college or university a student attends, in order to appropriate respond to students in crisis, polices and processes which are legally sound, comprehensive in nature, and address a wide range of behaviors is needed. The existence of campus resources such as a crisis response team, a well crafted Code of Conduct that includes a mandated withdrawal policy and a summary suspension policy are just a few of the tools necessary to manage the various issues college students face today. Further studies could also illuminate even more options not previously discovered which could be created and utilized by institutions to respond to students who misbehave and are concomitantly experiencing a mental health crisis.
Reflective Statement

Conducting this study has reinforced my belief that colleges and universities need to have effective processes in place that address students who misbehave and who are concomitantly experiencing a mental health crisis. Numerous issues such as training, personal and professional experiences, legal renderings and the allocation of campus resources all can impact the resolution of these incidents. I have learned that while there are necessary elements that should exist in every process, the exact methodology of carrying out the steps necessary to address incidents of this nature can vary from institution to institution. Clearly there are many roads that can be traveled to get to the same end result.
References


Campbell v. Board of Trustees of Wabash College, 495 N.E.2d 227 (Ind. App. 1986)


Francis, P. C. (2003). Developing ethical institutional policies and procedures for working with suicidal students on a college campus. *Journal of College Counseling, 6*, 114-123.


Gott v. Berea College, 161 S.W. 204 (Ky. 1913).


Appendix A: Interview Protocol

Interview Date:___________________________________________

Interview Location:________________________________________

Name of Interviewer:_______________________________________

Name of Interviewee:_______________________________________

Interview Instructions:

The interview will begin by the interviewer informing each interviewee of the purpose of the interview. Interviewer will ask each interviewee each of the questions listed below as well as any additional questions that the interviewer believes is necessary to clarify or further probe for more data. Each individual interviewed will be told they will have an opportunity to add or clarify any information at any time during the interview. Moreover, each individual who is interviewed will be informed that he/she may be contacted after the interview by the interviewer to clarify any information as the transcription or data analysis process. Furthermore, each interviewee will be sent the preliminary findings of the study and be requested to provide feedback. Finally, after the initial information is shared with the interviewee, he/she will be asked if there any questions or a concern about the processes before the formal interview begins.
### Appendix B: Interview Schedule

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Location of Interview</th>
<th>Length of Interview</th>
<th>Time of Interview</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Midwestern Regional University</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dr. Robertson</td>
<td>Director of Counseling</td>
<td>Personal Office</td>
<td>130 minutes</td>
<td>3:00pm</td>
<td>June 15, 2010</td>
</tr>
<tr>
<td>Ms. Schmidt</td>
<td>Director of Residence Services</td>
<td>Conference Room</td>
<td>130 minutes</td>
<td>8:00am</td>
<td>June 14, 2010</td>
</tr>
<tr>
<td>Dr. Allen</td>
<td>Coordinator of Community Rights &amp; Responsibilities</td>
<td>Personal Office</td>
<td>130 minutes</td>
<td>3:00pm</td>
<td>June 14, 2010</td>
</tr>
<tr>
<td>Chief Peck</td>
<td>Chief of Police</td>
<td>Personal Office</td>
<td>130 minutes</td>
<td>10:00am</td>
<td>June 14, 2010</td>
</tr>
<tr>
<td>Major Tom</td>
<td>Major, Police Department</td>
<td>Personal Office</td>
<td>30 minutes</td>
<td>11:15am</td>
<td>June 14, 2010</td>
</tr>
<tr>
<td><strong>Southern Regional University</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dr. Charles</td>
<td>Asst. to the Vice President</td>
<td>Personal Office</td>
<td>130 minutes</td>
<td>10:00am</td>
<td>August 5, 2010</td>
</tr>
<tr>
<td>Dr. Goldy</td>
<td>Director of Counseling</td>
<td>Personal Office</td>
<td>130 minutes</td>
<td>8:30am</td>
<td>August 4, 2010</td>
</tr>
<tr>
<td>Ms. Tanner</td>
<td>Director of Residence Services</td>
<td>Conference Room</td>
<td>130 minutes</td>
<td>3:30pm</td>
<td>August 4, 2010</td>
</tr>
<tr>
<td>Mr. Fricker</td>
<td>Chief of Police</td>
<td>Conference Room</td>
<td>115 minutes</td>
<td>8:35am</td>
<td>August 5, 2010</td>
</tr>
</tbody>
</table>

**Total Interviews 9**
Appendix C: Interview Questions and Format

Introduction of myself and a brief intro as to why I chose this topic to study:

Icebreaker/background questions:

a. Can you please tell me a little bit about yourself and how long you have worked in higher education?
b. How many years have you been in your profession and what positions have you held in the past?
c. Why did you become involved in your field of expertise?
d. Why work at an institution of higher education?

Interview Questions

1. Explain the current processes and policies that exist which guide the institution's handling of disciplinary matters when mental health issues are suspected or present within the student?

2. Can you please describe a situation when dealing with students who have alleged to violate the code and who you believed were suffering from a mental illness that was resolved in a positive way?
   a. What were the contributing factors that led to this resolution?

3. Please describe a situations when dealing with students who have alleged to violate the code and who you believed were suffering from a mental illness that were not resolved in a positive way?
   a. What were the contributing factors that led to this resolution?

4. How does the sharing or lack thereof of information between administrators impact the way your institution resolves incidents of this nature?
5. How do you believe any previous training, education and experiences you have had has shaped your thoughts or opinions about how to best resolve these types of incidents?

6. Please describe or explain any federal laws or past case law precedents has influenced the creation and implementation of your institution’s current process?

7. How is effectiveness of resolving incidents of disciplinary/mental health issues at your campus assessed?

Thank you statement:

I truly appreciate your willingness to participate in this study. I am confident that the results of this study will help current and future university administrators resolve disciplinary issues with students in a successful and productive manner. I will be glad to share a copy of my final dissertation with you should you want me so that I can share the benefits of the study with other student affairs professionals such as yourself. Finally, if you should want to share any other information with me that you may think of after I leave campus please contact me either by phone or e-mail.
Appendix D: IRB Application

A determination has been made that the following research study is exempt from IRB review because it involves:

Category 2: research involving the use of educational tests, survey procedures, interview procedures or observation of public behavior

Project Title: Student Discipline Intervention Strategies: A Multiple Case Study of University Policies Utilized to Adjudicate Misconduct of Students Who Concurrently Experience a Mental Health Crisis

Primary Investigator: Gary Dickstein

Co-Investigator(s):

Advisor: Peter Mather

Department: Higher Education

Rebecca Case, AAB, CIP  Office of Research Compliance  Date: 06/03/10

The approval remains in effect provided the study is conducted exactly as described in your approval document. Any additions or modifications to the project must be approved as an amendment and is implementable.
Appendix E: Dissertation Research Consent Form

Title of Research: Student Discipline Intervention Strategies:
A case study of two institutions’ processes utilized to resolve misconduct of students who concomitantly experience a mental health crisis

Principle Investigator: Gary G. Dickstein

You are being asked to participate in research. For you to be able to decide whether you want to participate in this project, you should understand what the project is about, as well as the possible risks and benefits in order to make an informed decision. This process is known as informed consent. This form describes the purpose, procedures, possible benefits, and risks. It also explains how your personal information will be used and protected. Once you have read this form and your questions about the study are answered, you will be asked to sign it. This will allow your participation in this study. You should receive a copy of this document to take with you.

Explanation of Study: The purpose of this study is to examine the policies and procedures that exist at two, public, 4 years institutions of higher education when resolving incidents of misbehavior by students who concomitantly are experiencing a mental health crisis.

Risks and Discomforts: There are no anticipated risks or discomforts associated with participating in this study.

Benefits: If you agree, you will be asked to participate in an interview to discuss the policies and procedures utilized to resolve incidents of student misbehavior when the student has been accused of a violation of the Code of Student Conduct and is concomitantly experiencing a psychological crisis. The interview will last for approximately 90 minutes in length.

As a participant in this study you will benefit from the results obtained from my research in that it may provide you with new or alternative policies and procedures for successfully resolving incidents of student misconduct when the student is experiencing a psychological crises or has been previously diagnosed with a psychological disability and that crisis or disability is impacting the students behavior.

You should not participate in this study if you have no knowledge of or do not participate in any way with the above describe process.

Confidentiality and Records: All responses to the interview questions will be kept confidential and maintained only by the principle investigator. The data will be stored on
a computer that is password protected. Furthermore, any information recorded within my field journal will be kept locked in a file cabinet to which I am the only one that will have a key.

**Contact Information:** If you have any questions regarding this study, please contact either the researcher or advisor with the information provided below:

Gary G. Dickstein at 937-430-4126/gary.dickstein@wright.edu or Advisor Dr. Peter Mather, Assistant Professor at 740-593-4454/Matherp@ohio.edu

If you have any questions regarding your rights as a research participant, please contact Jo Ellen Sherow, Director of Research Compliance, Ohio University, (740)593-0664.

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By signing below, you are agreeing that:

- you have read this consent form (or it has been read to you) and have been given the opportunity to ask questions and have them answered
- you have been informed of potential risks and they have been explained to your satisfaction
- you understand Ohio University has no funds set aside for any injuries you might receive as a result of participating in this study
- you are 18 years of age or older
- your participation in this research is completely voluntary
- you may leave the study at any time. If you decide to stop participating in the study, there will be no penalty to you and you will not lose any benefits to which you are otherwise entitled.

**Signature**__________________________________________  **Date**___________

**Printed Name**__________________________________________

Version Date: 5-25-2010