Mission:

The Association of Student Conduct Administration mission is to support higher education professionals by providing education materials and resources, intentional professional development opportunities and a network of colleagues to facilitate best practices of student conduct administration and conflict resolution on college and university campuses.

Core Values: Collaboration, Diversity, Education, Inclusion, Integrity, Leadership, and Respect.

Diversity:

Diversity is one of ASCA's core values. The Association is committed to strengthening diversity by intentionally developing and implementing strategic goals to:

- Increase the membership and participation of and leadership opportunities for underrepresented* populations within the Association and
- Increase the membership, participation and leadership opportunities for various types of underrepresented institutions** within the Association and
- Promote an appreciation of diversity in all aspects of the Association's policies, practices, programs and services.

*These populations include but are not limited to race, ethnicity, gender, sexual orientation, religion, creed, age, abilities, and citizenship.

**These institutions include but are not limited to Community Colleges, Faith Based Institutions, For Profit Institutions, Hispanic Serving Institutions, Historically Black Colleges and Universities, International Institutions, Medical Institutions, Single Gender Institutions, Technical Institutions, and Tribal Colleges.
Dear ASCA Member,

The most recent issue of the Journal of Student Conduct Administration is here, and you will notice a new format! Beginning with this issue we are now releasing articles on a quarterly basis. That means every quarter you can look forward to a new article from the Journal of Student Conduct Administration!

This shift in format will allow us to more quickly release timely articles, keeping you more informed and up-to-date with current research and best practice. You will also continue to experience the same thoughtful and meaningful writing that you are used to seeing in the Journal of Student Conduct Administration.

Also, keep in mind that the editor, associate editors, and reviewers of the Journal of Student Conduct Administration are committed to working with first-time authors. If you are interested in writing, have an idea that you believe is worth researching, or know of a best practice program that should be highlighted by ASCA’s journal, please contact me at mstimpson@performahe.com.

Sincerely,

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A Study of Current Student Conduct Investigation Practices

Abstract

The purpose of this study was to examine and describe current investigation practices among student conduct administrators and hearing officers in higher education settings. The study utilized content analysis and a grounded theory approach. The research revealed some common and divergent practices, as well as a desire among student conduct administrators for additional training, consistency, and guiding principles in investigative work.
A Study of Current Student Conduct Investigation Practices

The job of a student conduct administrator (SCA) involves varied skills and knowledge, but training, research, and resources for this are surprisingly limited despite the history of the profession (Stimpson & Stimpson, 2008). Perhaps one of the most challenging and critical competencies for a student conduct administrator is investigation, but there currently is little literature and no certification offered for this basic job responsibility. An historical analysis of all presentations conducted at the Annual Association for Student Conduct Administration (ASCA) Conference revealed that very few sessions (approximately 10) have addressed how to effectively investigate a student conduct case in the 20-year history of the Association (Lowery, Taylor, Bourne, & Kitchens, in preparation). The problem addressed in this study is that very little research has been conducted to describe the actual investigation practices and procedures of student conduct administrators.

Background

Researchers have defined some key elements for both an effective student conduct investigation and practicing investigator. Gehring (2001) and Lowery (2006) discussed constitutional rights and protections that must be afforded students within college discipline processes. These authors, in addition to Pavela (2000), discussed how the student discipline process should focus on being educational and that questioning should not be designed as overly formalized or adversarial. Wood and Wood (2001) explained student due process rights, and emphasized the importance of the record for accountability and protection as well as impartiality and appropriately handling allegations of bias.

Several authors have discussed how to weigh evidence and information. Sokolow (2000) provided rules for weighing evidence, drawing upon criminal and civil rules as adapted to
campus conduct proceedings. Sokolow, Antieau, Lewis, and Rowe (2004) addressed preparing for an investigation and determining what information to utilize or ask questions about as well as guidelines for deliberating on different kinds of evidence, particularly that related to relevance and credibility.

Caruso (1987) and Cordner and Brooks (1987) addressed the training and background needed for those involved in investigating student conduct cases. The role of the hearing officer in investigating cases often differs by institution, and multiple structures exist for who conducts investigation; some examples are conduct administrators, attorneys, and committees of various institutional staff and/or faculty (Ardaioolo & Walker, 1987). The Council for the Advancement of Standards (CAS) provided guidance on organizing and structuring conduct processes (2006a; 2006b) as well as training for conduct officers and panels. There is very little in the literature regarding appropriate background training or degrees for conduct administrators, although CAS standards indicate that a graduate degree in the behavioral sciences and past relevant work experience are preferable qualifications. Another important part of a conduct administrator’s job is to abide by ethical principles, as Lancaster (2006) explained.

To provide a process that would encompass all these basic elements, Stoner and Lowery (2004) wrote a model student code of conduct and a hearing script to help guide administrators, giving extensive details for administering an effective process.

The past literature informs about methods for investigating student conduct cases, but little information exists about what student conduct administrators are actually doing when they conduct investigations.
Purpose

Because there is a gap in the student conduct literature related to investigation of student conduct cases, research is needed to formally address what is known about current practices in order to create a foundation for further study. The purpose of the current study was to describe the current investigation practices and procedures of student conduct administrators.

Method

A survey of questions related to student conduct investigation was developed utilizing the available literature about student conduct investigation (Ardaiolo & Walker, 1987; Caruso, 1987; Cordner & Brooks, 1987; Gehring, 2001; Lancaster, 2006; Lowery, 2006; Pavela, 2000; Sokolow, 2000; Sokolow, Antieau, Lewis, & Rowe, 2004; Stoner & Lowery, 2004; and Wood & Wood, 2001) and the Council for the Advancement of Standards in Higher Education principles related to student conduct practice (CAS, 2006a; CAS, 2006b). This knowledge base was expanded utilizing processes with a lengthier history: criminal investigation (O’Hara & O’Hara, 2003; Swanson, Chamelin, Territo, & Taylor, 2006) and the civil rights investigation model (United States Department of Justice, 2008).

The questions were written to be self-referent using everyday language, and offered participants the option to provide comments and explanation for each question. The questions included a mixture of essay responses and basic percentage estimations. The questionnaire was then distributed electronically and pretested on two groups deemed to have similar training and background to student conduct administrators: local law enforcement officers (n = 201) and national affirmative action officers (n = 2,000). Of those asked to participate in the study, ten responded (response rate of 0.5%). Reminder e-mails were sent to participants on two occasions, with no increase in response. The purpose of the pretest was to assess the questions for clarity,
readability, and understandability. After taking the pretest, those who responded and left a name and phone number to further assist the researchers were phoned and probed for more information through in-depth follow-up interviews. The questions were then deemed valid and reliable, so the study was then implemented.

Participants

The actual survey was sent to current members of the Association for Student Conduct Administration (n = 1527), the international organization for student conduct administrators. Only hearing officers (defined as those who actually adjudicate student misconduct) were eligible to participate. ASCA membership includes other members such as vendors and students. The ASCA Central Office staff calculated eligible participants through the membership roster, which totaled 1126 people. Of these, 152 people responded to the survey (14% response rate). Participants were prompted to respond through two reminder e-mail solicitations.

Data Analysis

The data in this study consist of the survey responses. Data was analyzed using content analysis (Neuendorf, 2002), a method that allows the researcher to examine, compare, and categorize information. Content is grouped into categories that share a commonality and are both exhaustive and mutually exclusive (Krippendorff, 2004). Categories are further analyzed with inductive coding to develop themes that provide a way to link the underlying meanings of categories. In this analysis, data was initially assigned data codes and then sub-coded as significant themes or concepts emerged. All researchers assigned codes and compared coding to check for intercoder reliability (Percent Agreement = 99%). Several themes emerged under these codes which were developed and constantly refined, then utilized to describe common practices identified as well as discrepancies in practices. Once the codes were established, the researchers
began interpretation of the data using a grounded theory approach (Strauss & Corbin, 1998; Charmaz, 2006) to establish basic inferred themes and trends in investigation practices that could provide a more comprehensive guiding approach to student conduct investigation. There were several research questions explored in this study, including the following:

1) What are the themes and trends in investigating student conduct cases?
2) Who is investigating student conduct cases?
3) What do the themes and trends tell us about how to enhance the investigation aspect of student conduct administration?

Results

Once the codes were established, the researchers began interpretation of the data to begin to describe a potential direction for a theory of investigation of student conduct cases. We first looked at Background and how SCA’s have gotten their background or common knowledge and then at how this knowledge is being applied. We then examined any elements of Training currently present in the field of student conduct investigation. Finally, we provided information on Application, or nuts and bolts, for student conduct investigators, as well as describe reported staffing and caseload issues and needs.

Background

In terms of Background or common background knowledge in the field, the review of survey answers revealed two major themes: Experiential Background of those currently working in student conduct and Esoteric Knowledge/Skills for investigating cases that are garnered through training, experience, and common sense approaches to working with students. In looking at the results, it was apparent that there is some level of expertise available to SCA’s for
conducting investigation, but the routes for achieving this may vary and, in terms of actual practice, the methods used reveal consistency but also some divergent techniques.

**Experiential Background.** *Experiential Background* emerged as a theme basic to *Background* in student conduct work. In looking at the job titles currently held by participants, multiple areas came up repeatedly: Residential Life, Dean of Students, Student Life/Student Affairs. Participants described their job status as follows: full-time student conduct administrator (65%), part-time student conduct administrator (17%), full-time residential life hearing officer (10%), and part-time residential life hearing officer (3%), and those for whom student conduct adjudication was not a full or even part-time responsibility but who occasionally hear cases (16%). There was a broad range of years of experience working in student conduct among participants: less than 1 year (7%), 2 to 5 years (41%), 5 to 10 years (28%), and more than 10 years (24%), with some indicating upwards of 20 years in the field. Based on ranges for these types of background in student conduct, we assumed participants could describe a wide spectrum of perspectives about investigatory practices.

Another important piece of the *Experiential Background* was type of institutions where participants currently work. It was interesting to note the types that were represented and those that were not. For example, 4-year public schools accounted for 63% of participants and 4-year private schools accounted for 32% of participants. Two-year public schools accounted for 3% of participants and community colleges accounted for 2% of participants. No participants reported working at 2-year private or technical schools.

**Esoteric Knowledge/Skills.** The second theme of *Esoteric Knowledge/Skills* encompassed several categories explaining the investigative work currently being done in student conduct like; *Compiling, Questioning*, and *Recording*. The ways that current student
conduct administrators arrived at knowledge in these areas is widely varied. A clear educational or work path was not emergent in the data. Worthy of note was the finding that people are largely doing investigations of student conduct cases using gut feelings, natural instinct, and basic common sense. In particular, participants expressed some concern that there is no specific training for how to investigate student conduct cases and that many people are just “thrown into the fire” and expected to learn along the way, leaving individuals and institutions open to potential liability.

*Compiling.* Several themes emerged under the category of *Compiling,* including information on how SCA’s compile or make decisions about: *Complaints, Interviewees,* and *Context.* For *Complaints,* the process of gathering initial complaint information emerged as a basic skill considered important to those investigating student conduct cases. Initial complaints often come from various sources, including students, faculty, staff, parents, witnesses, law enforcement, and even the media. It appeared that in terms of getting complaints, most SCA’s share a common experience in where they get complaint information.

Within the theme of *Interviewees,* SCA’s explained how they make determinations about whom to interview about the complaint. SCA’s indicated they generally would talk with anyone who might have relevant information about the situation, including the respondent complainant, as well as their friends/witnesses, emergency responders, “experts” like Sexual Assault Nurse Examiners or medical staff, parents, and even attorneys. While SCA’s indicated they interview anyone who may have relevant and direct knowledge of the incident, they did identify others they may consider interviewing including; Accessibility Staff, University Attorneys, and Multicultural Center Staff. Most frequently, if experts are interviewed it was for consultation
purposes. Several SCA’s indicated that police or security personnel conduct all the interviews for
the investigation of student conduct cases.

When initially speaking with any person, there was some common contextual
information, or *Context*, that SCA’s seek (Table 1). While not every piece of context information
may be gathered in an individual case, each type of context information may come up depending
on the case. Something important to note is that SCA’s did not necessarily distinguish between
this portion of gathering information and conducting the actual hearing--for some, these stages
overlap. Several SCA’s reported that prior discipline history is never discussed until sanctioning
is considered and then not as a part of fact-finding. Some SCA’s further distinguished that in
one-on-one hearings, prior discipline history is discussed as part of the hearing but that prior
record is not discussed prior to sanctioning if a panel hears the case. Multiple SCA’s reported
that they do not consider any information other than the alleged violation and prior discipline
record. It appeared that there is wide variety in how SCA’s handle this area.

**Questioning.** The second category involved knowledge and skills in questioning
techniques, and several themes emerged in this area: *Types, Strategies, Topics,* and *Assessment.*
An area that illuminated a lot of consistency among practice was that of *Types* of questions
utilized (Table 2). SCA’s reported that these questions are not asked in a formulaic manner but,
most often, come up through conversational dialogue that is non-adversarial in nature.

Self-reported *Strategies* or methods used when questioning people varied greatly among
91 responses. Several SCA’s reported using motivational interviewing techniques and basic
counseling skills like using active listening, open-ended questions, a conversational and honest
style, reflection, and rapport-building (n = 50). For example, SCA’s reported opening up
meetings by asking general questions about the college experience, goals, classes, hometown,
and even the weather to help interviewees feel comfortable. Some SCA’s explained that they simply start by asking the person to share their story and work from there to check facts and corroboration or contradictions (n = 10). Using separate SCA’s or security officers to conduct investigations and then another SCA or panels to adjudicate the case came up a few times (n = 4). A somewhat unique approach that came out was that of conducting questioning with two staff members: one person who asks questions and the other who takes notes (n = 2). A couple of SCA’s expressed that using confrontation or subtle warnings (e.g., “If you lie, we are going to Table 1

Context Information Sought

<table>
<thead>
<tr>
<th>Basic Information</th>
<th>Percentage of SCA’s Using Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior discipline history</td>
<td>86%</td>
</tr>
<tr>
<td>Academic information</td>
<td>68%</td>
</tr>
<tr>
<td>Mental health/stressors</td>
<td>62%</td>
</tr>
<tr>
<td>Substance abuse history</td>
<td>49%</td>
</tr>
<tr>
<td>Prior arrests/criminal history</td>
<td>42%</td>
</tr>
<tr>
<td>Social functioning/support</td>
<td>42%</td>
</tr>
<tr>
<td>Family background/history</td>
<td>31%</td>
</tr>
<tr>
<td>Social networking site information (e.g., Facebook, Twitter)</td>
<td>29%</td>
</tr>
<tr>
<td>Relationships (romantic, friends, etc.)</td>
<td>28%</td>
</tr>
<tr>
<td>Other information (see Note)</td>
<td>27%</td>
</tr>
<tr>
<td>Medical information/medications</td>
<td>26%</td>
</tr>
<tr>
<td>Financial status</td>
<td>17%</td>
</tr>
</tbody>
</table>

Note. Other information sought included living arrangements, goals, and interests, understanding of Code of Conduct, college experience.
have a problem”) worked for them (n = 4). Of some concern were responses that indicated no
strategies were used in conducting investigation (n = 6). And some SCA’s utilize a formal
approach like the Reid Technique (n = 4). In general, SCA’s stated that they share their
information with people upfront and ask them to respond and then utilize a conversational and
adaptive approach to questioning based on common-sense and basic helping skills.

Table 2

<table>
<thead>
<tr>
<th>Questions</th>
<th>Percentage of SCA’s Using Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questions about what happened</td>
<td>100%</td>
</tr>
<tr>
<td>Questions about contradictions in stories</td>
<td>99%</td>
</tr>
<tr>
<td>Questions about how it happened</td>
<td>97%</td>
</tr>
<tr>
<td>Questions about relationships among involved individuals</td>
<td>93%</td>
</tr>
<tr>
<td>Questions about corroboration of stories</td>
<td>91%</td>
</tr>
<tr>
<td>Questions about motives</td>
<td>85%</td>
</tr>
<tr>
<td>Questions about emotions/malice/anger/protection towards others</td>
<td>85%</td>
</tr>
<tr>
<td>Questions about substance abuse history or use at the time</td>
<td>82%</td>
</tr>
<tr>
<td>Questions to which you already know the answer (looking for deceit)</td>
<td>82%</td>
</tr>
<tr>
<td>Questions about credibility</td>
<td>79%</td>
</tr>
<tr>
<td>Questions about similar situations</td>
<td>68%</td>
</tr>
<tr>
<td>Other questions</td>
<td>11%</td>
</tr>
</tbody>
</table>

*Note. Other questions included, for example, questions about steps taken after the incident, questions about responsibility, questions about repairing harm and consequences, questions about understanding community standards, and questions about ongoing threats/danger.*

Another aspect of Questioning that involved fairly consistent approaches was the
discussion Topics related to the discipline process itself. Among SCA’s, 70-90% discussed all of
the following elements of the process in their investigatory meetings: the SCA’s role, standard of proof, description of what to expect in the meeting, description of potential outcomes of the meeting, confidentiality and privacy, rights in the process, differences in the university and criminal/civil processes, due process, and the nature of the allegations under investigation. Only 66% of SCA’s reported providing a copy of their Code of Conduct to persons being interviewed. Several SCA’s made comments that they do not share the nature of the allegations when they are meeting with witnesses. When asked if this discussion was different with respondents and complaints, 80% of SCA’s reported the process was the same for both while 20% reported they discussed different elements of the process with each. To elaborate, the SCA’s who discuss different elements of the process with each explained they discuss rights more with respondents and resources more with complainants.

The final aspect of Questioning was an Assessment of the information and people interviewed, determined by weighing credibility. SCA’s reported using a wide array of indicators to assess credibility (Table 3). Based on the particular SCA’s experience and education, many reported using common sense to guide them in this area while others with training in interpreting affect and demeanor, understanding the role of cultural group identification, or victimology, were guided in this area.

Recording. The final category that emerged under Background was Recording, which involved the actual discipline record as well as documentation methods for incidents and interactions with individuals. Methods for recording varied depending on personal preferences of the SCA, institutional policy, as well as level of severity of the incident under investigation. The themes evidenced in Recording were Statements, Documents, Summaries, and Files.
Of respondents, 92% of SCA’s reported that they collect written *Statements* from complainants, respondents, witnesses, or others as part of their investigation, while seven percent reported they do not use written statements by others. Numerous SCA’s stated they will not accept complaints unless they are put in writing. Some SCA’s explained that they collect documentation electronically through e-mail. Several SCA’s described providing a copy of the complaint to involved parties and asking for a written response.

Other supporting *Documents* are also gathered in some investigations, and there was fair consistency in the types of documentation gathered (Table 4). In general, SCA’s reported they would utilize any written documentation provided if it was credible and relevant. One SCA reported using any media provided, including video or audio recordings. However, not all SCA’s utilize written documents, nor do all make their own documentation (6%). A few of these SCA’s said they may jot down a few personal notes, but these are not part of the record and they would only use documentation in very serious cases. Some indicated that their security or law enforcement department conducts the gathering of any documentation and supplies that to the SCA. A majority of SCA’s, 70%, said they write statements as part of their investigation, and 47% said they ask the person interviewed to write a statement. When SCA’s write statements from the interviews, several said they then ask the person they interviewed to review and sign off on the SCA’s statements for accuracy (28%). Several indicated while they may not ask the person interviewed to review the SCA’s notes for accuracy, they do offer the opportunity to at least access any SCA notes taken. Using newer technology, 22% said they audio record any interviews with people and 3% stated they would video record these interviews. Of those who make an audio or video recording, 5% then transcribe the recording for the record.
Table 3

Gauges for Credibility

<table>
<thead>
<tr>
<th>Credibility Issue</th>
<th>Percentage of SCA’s Weighing Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honesty/Dishonesty</td>
<td>92%</td>
</tr>
<tr>
<td>Statements indicating intentions</td>
<td>90%</td>
</tr>
<tr>
<td>Attempts to avoid detection (e.g., running from police)</td>
<td>86%</td>
</tr>
<tr>
<td>Ability to answer direct questions/avoiding answering questions</td>
<td>86%</td>
</tr>
<tr>
<td>Logic of statements/arguments</td>
<td>82%</td>
</tr>
<tr>
<td>Body language/demeanor</td>
<td>78%</td>
</tr>
<tr>
<td>Substance use at the time</td>
<td>77%</td>
</tr>
<tr>
<td>Number of witnesses corroborating stories</td>
<td>76%</td>
</tr>
<tr>
<td>Motive</td>
<td>73%</td>
</tr>
<tr>
<td>Relationship with other involved parties</td>
<td>72%</td>
</tr>
<tr>
<td>Threats</td>
<td>71%</td>
</tr>
<tr>
<td>Destroying evidence</td>
<td>69%</td>
</tr>
<tr>
<td>Ability to commit violation</td>
<td>68%</td>
</tr>
<tr>
<td>Concealing identity</td>
<td>68%</td>
</tr>
<tr>
<td>Memory/recall ability</td>
<td>63%</td>
</tr>
<tr>
<td>Malice/emotions</td>
<td>55%</td>
</tr>
<tr>
<td>Bias</td>
<td>53%</td>
</tr>
<tr>
<td>Awareness/Lack of awareness of policy</td>
<td>48%</td>
</tr>
<tr>
<td>Level of expertise/knowledge of subject discussed</td>
<td>47%</td>
</tr>
<tr>
<td>Gut feeling</td>
<td>43%</td>
</tr>
</tbody>
</table>
Other 7%

*Note.* Other credibility elements included, for example, maturity, behavior patterns, and research knowledge of SCA on credibility topics.

Some SCA’s reported that they prepare *Summaries* for the hearing officer or panel who will adjudicate the case after investigation. About a quarter, 26%, said they write summary reports and 28% said they sometimes write summary reports, depending on the seriousness of the case or whether it will go before a panel. For those who write a summary report, what is included consisted of a variety of responses (Table 5). For the 48% of SCA’s who do not write summary reports, they explained their security or law enforcement staff do this instead of that the SCA adjudicates the incident as well as investigates, so a summary report is unnecessary.

Table 4
Other Documentation Gathered

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Percentage of SCA’s Gathering Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-mail documents</td>
<td>92%</td>
</tr>
<tr>
<td>Print-offs from websites or social networking sites</td>
<td>86%</td>
</tr>
<tr>
<td>like Facebook, Twitter, MySpace</td>
<td></td>
</tr>
<tr>
<td>Print-offs of cell phone text messages</td>
<td>76%</td>
</tr>
<tr>
<td>Previous incident reports/discipline records</td>
<td>72%</td>
</tr>
<tr>
<td>Notes from conversations (phone or in person)</td>
<td>71%</td>
</tr>
<tr>
<td>Complaint forms</td>
<td>61%</td>
</tr>
<tr>
<td>Media reports</td>
<td>39%</td>
</tr>
<tr>
<td>Other</td>
<td>7%</td>
</tr>
</tbody>
</table>

*Note.* Other documents might include medical records or counseling reports, academic records, or anonymous reports.
When SCA’s put together *Files* to use for the adjudication of a case that has been investigated, there was a pretty even split on how SCA’s handle this. A slight majority, 53%, said they include everything they collected in the file. A portion of SCA’s, 43%, said they pick certain information to include and exclude other information, depending on the most relevant material or redundancy. Some SCA’s indicated they prepare a summary report to give to the hearing officer or panel, but that all other information collected is kept separate. Many explained they include any documentation submitted except that which was written by the SCA.

Table 5

Summary Reports

<table>
<thead>
<tr>
<th>Summary Report Information</th>
<th>Percentage of SCA’s Including Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not write a summary report</td>
<td>48%</td>
</tr>
<tr>
<td>Summaries of conversations with individuals</td>
<td>45%</td>
</tr>
<tr>
<td>Introduction (e.g., charges, people involved, demographic information)</td>
<td>34%</td>
</tr>
<tr>
<td>Attachments/appendices of evidence (e.g., documentary evidence, photographs)</td>
<td>34%</td>
</tr>
<tr>
<td>Your conclusions (e.g., recommendation to proceed with a hearing or to dismiss the case)</td>
<td>31%</td>
</tr>
<tr>
<td>Corroborations or contradictions in stories</td>
<td>30%</td>
</tr>
<tr>
<td>Indicators of deception and/or honesty</td>
<td>25%</td>
</tr>
<tr>
<td>Methods used to investigate (e.g., standard of proof used, who was picked to be interviewed)</td>
<td>21%</td>
</tr>
<tr>
<td>Comparison charts lining up elements of individual stories</td>
<td>7%</td>
</tr>
</tbody>
</table>

**Background Summary.** In terms of *Background*, it appears that many SCA’s share some common background and work experience, as well as methods for conducting investigation
work. Depending on the institution, the discipline process may dictate specific methods for handling information or compiling it, but the techniques used by SCA’s were largely similar. While there was some divergence in how investigation is handled by a few SCA’s, it did appear to us there is a level of background knowledge in the field that is common to those handling student conduct investigation.

Training

Finding no formalized credentialing or training requirements for student conduct administrators, we examined available data and collected information from three distinct sources (student conduct administrators, law enforcement, and affirmative action workers). One survey item simply asked, “What qualifications must an investigator possess?” We received seventy six write-in responses which we coded, and then listed and briefly examined some of the common concepts which emerged from this data.

The seventy-six write-in responses to our survey question, “What qualifications must an investigator possess?” varied widely. Data from our survey item ranged from none or “N/A” to “Earned Master’s degree in counseling, educational psychology, social work, or related field; “Have a minimum of four years full-time working experience in higher education in student services, residence life, educational administration, human services, counseling, or related area”; “Demonstrated ability to work independently, handle time-sensitive matters, uphold confidentiality, and work with a high level of discretion”; “Understanding and knowledge of laws regarding students, including the Clery Act, Title IX and FERPA.” Responses were coded into five general categories. Since several responses contained data from multiple categories, data coding revealed eighty five coded data items. Data is presented as total responses (in descending order) within coded categories:
1. (27) Formal training;
2. (25) Experience or currently working in the field;
3. (22) Unbiased personal and interpersonal skills needed to collect and interpret information;
4. (7) Formal education, earned degree;
5. (4) Formal certification.

*Formal training* responses generally consisted of training from student conduct administrators currently working in the field, but also included training from law enforcement investigators and legal/judicial personnel. “*Experience or currently working in the field*” responses stated that working in the field established qualifications where “*Unbiased personal and interpersonal skills needed to collect and interpret information*” indicated that being unbiased, caring and possessing the personal integrity, ethics and interpersonal skills to obtain information is sufficient. Of the seven responses indicating a “*Formal education or earned degree*”, a master’s degree in one of the social sciences was most frequently indicated. *Formal certification* was most commonly mentioned from/within the police or investigative fields.

It was of interest to note that training experiences varied, and that many SCA’s felt being trained in law enforcement or judicial techniques was the main way to receive training based on budgets and resources, as well as limitations on locally available individuals with student conduct expertise. Personality characteristics seemed of value when being considered a good SCA or someone who had reached a level of qualification in the field (e.g., being unbiased, caring, able to interpret information, detail-oriented). There was no evident way to describe how to receive training in these areas other than having a level of common sense, an open mind, and/or a personal disposition toward those desired characteristics.
Training Summary. This data indicated no current credentialing or required training for a person who investigates student conduct cases. Therefore, anyone wanting to be a student conduct administrator can. What also emerged from the data was not only an apparent industry desire for some level of credentialing, but also a possible credentialing process. There certainly appears to be some unique knowledge or desire for knowledge involved in student conduct investigation. Some level of education or desire for education, be it through apprenticeship, formal training or formal education, exists. There appears to be a desire for guiding ethical practices (and one such code of ethics exists within ASCA). Lacking is a gatekeeper or possibly the desire for a gatekeeper for recruitment, training and certification for student conduct investigators.

Our data suggests that student conduct administrators desire more formal training and appreciate experience/apprenticeships and an ethical standard represented by unbiased personal and interpersonal skills needed to collect and interpret information. To a far lesser degree, student conduct administrators see a need for formal education represented by earned degrees or formal certification.

Application

In terms of actual Application of the job of a student conduct investigator, a review of the survey answers revealed three major themes: Staffing and the consolidation of the investigation and adjudication role; Avoiding bias complaints against the SCA by taking specific measures during the investigation process; and Caseload, as well as how long these cases take to investigate.

Staffing.
Three forms of Staffing in SCA offices emerged in the data: 1) a consolidated process where the SCA acts as both the investigator and the adjudicator for all student conduct issues; 2) a bifurcated process where the investigator and adjudicator were never the same person; and 3) a process where either consolidation or bifurcation of roles was utilized depending on the individual case circumstances.

A few trends emerged from the data that are of interest to SCA’s. Data revealed that 42% of participants stated they always use the same individual to both investigate and adjudicate a student conduct complaint whereas 22% of the participants stated they sometimes utilize a bifurcated process where the investigator and adjudicator are different people (with 17% stating they always bifurcate their process). Of the 36% who reported that they sometimes bifurcate, a number of stated reasons drive this decision. In making the choice to bifurcate, 20% state that they make this decision based upon case complexity; 13% on whether a suspension is involved; and 11% on if the hearing officer feels there may be issues of bias raised. Coded comments showed the determination is also made based upon the severity of the offense, with 13 participants noting that at the administrative or lower level hearing, the SCA would perform both functions of the investigator and adjudicator, but that at the escalated suspension-level type of hearing, the roles were bifurcated.

A minority of respondents (5) noted that the bifurcation decision was predicated on the time constraints of the investigator. Only 3% of respondents reported using an investigator outside the university; therefore, overwhelmingly this job is divided amongst university personnel. A few participants (10) noted that the SCA used a public safety or police officer as a major investigative source or as the individual who conducts the entire investigation for a student
conduct hearing. Based on the small number of participants utilizing this method, it stood out as a somewhat unique practice in this study.

**Avoiding Bias.**

SCA’s appear to face a limited number of bias complaints, regardless of their role as investigator, adjudicator, or both. In terms of *Avoiding Bias*, over half (53%) of participants stated that they have never been accused of bias during the course of an investigation, and 93% of respondents stated they have been accused of bias in less than 10% of their cases annually. It does appear from the data that SCA’s are taking a proactive approach to potential bias concerns in their documentation methods. Only 22% of participants stated that they use no strategies during an investigation to protect themselves from bias allegations. Of those who use strategies, 30% stated that they allow students to challenge their role in the process; 22% will have another witness present during conversations; 21% have interviewees review statements written by the investigator for accuracy; and 20% ask that interviewees write their own statements to avoid any inaccuracy or bias complaints.

**Caseload.**

Several themes emerged under the category of *Caseload*. For 97% of participants, a single interview lasts no longer than one hour. Predictably, lower level cases take less time to investigate, with 79% of participants spending up to five hours completing a single lower level investigation. The difference in investigation time for higher level investigations was more pronounced with 59% of participants stating that they spend between 2-15 hours and 20% stated they take 15 hours or more to investigate a single higher level incident. Investigations, according to 49% of participants, take between 10-50% of their time, which is consistent with 72% of participants stating they and their staff spend between 2-25 hours as individuals investigating
cases every week. With this much time spent on investigating cases, though, multiple SCA’s reported a high stress level related to having enough time to get everything done, particularly when several higher level cases need investigation at once. This leaves little time for actual adjudication, and was presented as especially problematic in offices where there is only one staff member handling all discipline cases for the institution.

SCA’s also reported investigating various numbers of cases over time. Out of 129 respondents, 113 provided interpretable data on their caseloads of total investigations in a given week, shown in Table 6. Responses differed depending on where the SCA worked (e.g., Residential Life, Student Conduct). SCA’s reported that coming up with an average or range of cases investigated in a week is difficult due to particular times of year when caseloads increase or decrease. SCA’s pointed out that every case should involve some level of investigation, but that this level may differ depending on complexity and initial information submitted.

Table 6
Investigations Per Week

<table>
<thead>
<tr>
<th>Range of investigations in average week</th>
<th>Percentage of SCA’s Affirmatively Responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 case</td>
<td>7%</td>
</tr>
<tr>
<td>1-10 cases</td>
<td>73%*</td>
</tr>
<tr>
<td>11-20 cases</td>
<td>11%</td>
</tr>
<tr>
<td>21-30 cases</td>
<td>6%</td>
</tr>
<tr>
<td>30 or more cases</td>
<td>3%</td>
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</tbody>
</table>

* Note. This range was disaggregated to 54% (n = 60) reporting they investigate 1-5 cases per week and 20% (n = 22) reporting they investigate 6-10 cases per week.
Application Summary

It appeared from the data that SCA’s experience some flexibility in being able to either consolidate or bifurcate their process if the number of staff in the office allows. It did not appear from the data that SCA’s are often accused of bias in the process regardless of if the investigation and adjudication is bifurcated or consolidated. This limited number of complaints may be due in part to SCA’s proactive measures taken to address these potential concerns during the course of an investigation. The majority of SCA’s reported they are not coming under constant question and scrutiny and they are being given the autonomy to handle cases as they feel is appropriate with little to no backlash from respondent students, witnesses, complainants, or other university personnel. The biggest stumbling block for application of investigation methods emergent in the data was the SCA caseload. With a large amount of time spent on investigations, this limits the time available to adjudicate cases or spend on prevention or outreach efforts or other administrative tasks. Particularly at institutions that host “one man/woman shops” for student conduct, the caseload can be quite problematic and the process can become solely driven by available time instead of other important factors.

Discussion

We made several conclusions based on the results of the study. First, there was the desire present among the SCA’s to professionalize, or at least develop some common standards or even language about how to conduct effective investigations. One issue related to common standards/language revealed by the data was that no clear definition of “investigation” currently exists. Multiple respondents mentioned this and also reported that more training and information on how to investigate cases is needed and desired. Along these lines, the study data also revealed that there is not a current set of best practices available to SCA’s, and that many SCA’s
would like to see this developed. While there was a lot of consistency among actual investigation practices, SCA’s noted that much of this was based on common sense and gut feelings, and there was some level of discomfort with this being the driving force behind how to conduct an effective investigation. For instance, a level of uncertainty existed that one person’s common sense may not be another person’s common sense.

Something for SCA’s to be aware of was that multiple SCA’s reported they do not write any kind of conclusive investigative report or notes. This is ripe ground for professional and personal liability. What if the SCA must answer for his/her actions months, even years, later? How would this be possible without any type of record? A few SCA’s indicated that the study questions revealed areas like this in their practice that need improvement, but were not sure exactly how to best conduct an investigation.

The data also revealed some level of inconsistency behind the experience and education deemed necessary to prepare a person to investigate student conduct cases, and that SCA’s desire some type of credentialing or specified background specified for achieving the status of Student Conduct Administrator. Perhaps it is currently possible to achieve the designation of “expert” or “specialist” in the student conduct field. For example, some SCA’s stated that techniques and best practices may differ at different types of institutions i.e.; a “specialist” designation for those working at a small, private school might be a helpful type of credential to create and seek. However, formal credentialism in the field may not currently be practical because of the small numbers of people who actually do student conduct work. For instance, there are more private investigators in the state of Oklahoma than there are student conduct administrators in the entire Association for Student Conduct Administration. In addition, Application revealed that there are
many differences in how investigation work is done based on individual preference, institutional structure and policy, state statutes, etc.

**Limitations**

This study was limited by the low response rate in the pretest as well as in the actual study. More should be done in the future to receive a higher response rate, as the potential population is relatively large. The study was also limited in that there are not existing student conduct theories related to investigation on which to draw to design questions, and questions were put together using general on doing the job literature by a student conduct administrator. This study did not utilize a statistical method that provides generalizable results with the same degree of certainty other methods might. In the future, quantitative studies should be conducted to further understanding in this research area. Despite these limitations, this study provides a starting point for further study of investigation practices in student conduct and lays some groundwork for developing a theory of such later on.

**Suggestions for Future Research**

It was interesting to us to note that no one participating in this study ever mentioned the role of theory in their practice. This was somewhat concerning as the field tends to promote student development theory, moral development theory, etc., but could have made sense in that there is no official student conduct theory. Some of the study results indicated that a theory might be useful in determining when to consolidate or bifurcate the process. This would also be of interest to study in future research as there is no similar field in the justice system wherein people are asked to bifurcate their minds (gather evidence and also make an outcome decision). The method of utilizing one person to both investigate and adjudicate raised questions for some participants because it seems to put a lot of faith in one person to present what is relevant, to remain unbiased, just, educational, and professional. This can be very difficult when faced with
emotional and highly political cases. In general, it seemed that SCA’s would like more guidance in how to investigate cases, so perhaps the development of a theory for this will be forthcoming.

Another important finding was that SCA’s expressed some need for a type of professionalism and expertise in student conduct administration. According to our data, this should be driven by some form of credentialism that entails apprenticeships, formal education and/or training in student conduct. Current SCA’s stated repeatedly that they desire more training from other experienced SCA’s, individuals working in the judicial system, and individuals working in law enforcement. Perhaps there is no blueprint for professionalizing student conduct investigation, but it did seem that best practices or even guiding principles are in demand by those in the student conduct industry. Future studies should examine the possibilities within formulating best practices or guiding principles for investigative work within student conduct administration.

**Conclusion**

Existing literature related to student conduct administration lacks a clear theoretical background for guiding practitioners in the investigation of student conduct cases. Some common “expert” techniques and approaches were definitely evident in this study, as was a great deal of autonomy for how individuals decide to conduct investigations. Formal credentialism in the area of investigation was not present and not necessarily desirable or feasible. However, the idea that there may be best practices or guiding principles in this work appealed to SCA’s, and is a rich area for further study and exploration.
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