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## Ten principles for members of student conduct hearing boards (2018 update)

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### 1. Less serious disciplinary cases can be resolved with less formal procedures

Beyond the basic elements of due process --notice, an opportunity to be heard, and final decisions supported by sound evidence--there is no universal model prescribed by the courts for fact-finding and judicial decision-making. Cases in which students face the risk of suspension or expulsion should retain a role for hearing panels and an opportunity for parties to direct questions to witnesses through the hearing panel chair. [See our [related guidance](#) for sexual misconduct cases]. The majority of college disciplinary cases, however, involve less serious sanctions and may include "structured conversations" rather than formal hearings. See, for example, the longstanding use of "[disciplinary conferences](#)" at the University of Maryland.

### 2. Common values can be identified and affirmed.

Respecting a variety of fact finding procedures in less serious cases isn't the same as fostering the idea that people from diverse backgrounds are incapable of identifying and abiding by any shared values. Human beings are social animals. We value qualities associated with cooperation, self-restraint, fairness, and honesty-- what philosopher Sissela Bok calls "minimalist values" ingrained in "rules of conduct that any society must stress if it is to be viable" (*Common Values*, 1995, p.16). With few exceptions, these are precisely the values affirmed in most college disciplinary systems.

### 3. Due process should be appreciated as a *thinking* strategy.

The American philosopher John Dewey wrote in *Experience and Education* (1938, p. 64) that:

Thinking is . . . a postponement of immediate action, while it affects internal control of impulse through a union of observation and memory.

That's a sound, non-legalistic explanation why educators want to provide adequate due process to students. Due process is more than a prescribed set of procedures; it also entails the "internal control of impulse" grounded in a determination *to hear cases before deciding them*. Furthermore,

reasonable due process not only enhances the immediate thinking processes of decision makers; it also models a proven impulse control strategy for every participant in disciplinary proceedings --most of all, perhaps, the accused. Our greatest educational deficiency in this regard may not be in providing an improper "amount" of due process, but in failing to be instructive about the thinking enhancement due process can provide.

#### **4. Educational aims should guide the imposition of sanctions.**

Students are often in the midst of an intense period of growth and development. They're likely to test rules, commit wrongs, and make mistakes. While they should be accorded the dignity of being held accountable for their behavior, the punishments imposed should encompass educational aims, including development of the capacity to make reasoned judgments and to understand the feelings of others. Likewise, the college disciplinary process isn't grounded in naive aspirations for human perfection. It reflects an understanding, seen in lives like those of St. Augustine and Malcolm X, that the experience of facing and overcoming evil (or unrestrained self-regard) can create rich souls and great personalities.

#### **5. Progressive discipline (penalties that increase for serious or repeated violations) should encompass interests of individuals and communities harmed by student misconduct.**

Current and future members of campus communities often remain unseen and unheard when disciplinary cases are resolved. Without some direct involvement in a case, they can't be present at hearings, even though they have strong interests in maintaining environments where the common good is promoted and individual liberties protected. Progressive discipline is more than therapy. It requires setting behavioral standards that protect community interests. In fulfilling this responsibility, board members must be willing to impose stronger sanctions for serious or repeated offenses.

#### **6. Hearing board members should be role models.**

Even the best disciplinary process will seem intimidating to most students, since they realize important decisions about their future may be at stake. The words and behavior of hearing board members (even seemingly minor details like facial expressions and body language) will be observed with care and remembered for years. Whether by design or chance, hearing board members are role models. They should display qualities they seek in others: *courtesy, attentiveness, fairness, honesty, and respect.*

#### **7. Hearing board members should be active learners.**

Hearing board members have an unsurpassed opportunity to learn more about human nature in general and themselves in particular. They should use their experience to integrate theory and practice in ways that promote wisdom and insight. It's also likely that qualities and habits acquired while serving in a campus disciplinary system--timeliness, good listening skills, attention to detail, and a sense of fairness and justice--will serve hearing board members for a lifetime.

**8. Student board members are an educational resource.**

Student hearing board members are often an untapped educational resource. They should be invited to share insights from their hearing board experiences with peers and faculty members. One likely consequence would be an understanding that affirming and enforcing reasonable rules is a *shared community enterprise*, not an "us versus them" contest between students and the university.

**9. Privacy rights must be respected.**

Hearing board members who violate institutional and federal privacy rules may create scars and stigmas lasting a lifetime. Decisions about public release of information should be collaborative and done in accordance with campus policy and the law.

**10. The disciplinary process should promote ethical dialogue.**

College disciplinary policies reflect an endeavor to codify core concepts in applied ethics. Those policies should be the subject of frequent discussion with students, including those found responsible for violating them.



