

SANCTIONING

Issuing sanctions is an important aspect of the disciplinary process. This is the opportunity to educate the student on the effects of his/her behavior and to attempt to affect a change in the student's behavior for the future. Sanctioning is something you will be called upon to do in a majority of hearings. Remember that the sanctions that the board imposes must in some way be educational and developmental for the respondent.

The first thing that will occur when the sanctioning phase of the hearing begins is deciding on the range of sanctions. The Judicial Advisor will inform the board of any prior determinations against the respondent after a determination in the present case has been made and the range of sanctions have been determined. The board will have a minimum and a maximum sanction that is predetermined as: a written warning (minimum) to a recommendation for removal from the University (maximum). The respondent is called back into the room and is told the range of sanctions. The respondent then has the opportunity to justify his/her actions or mention why it may be difficult or impossible for them to complete a certain sanction. Then the respondent will leave the room again.

Here are some questions to ask the student and to consider when deciding on appropriate sanctions.

1. What was the intent of the student? What was the student's motivation for behaving inappropriately and in violation of the Code? Did he/she intentionally violate a policy? Was he/she aware of the possible consequences or was there some plausible explanation?
2. What were the actual consequences of the behavior? Was there physical damage or personal harm (physical, emotional)? What were the effects of the behavior?
3. What were the potential consequences of the behavior? If not caught, would physical damage or personal harm have occurred? What potential harm could the student have suffered?
4. Was alcohol a part of the incident? Did the student demonstrate that he/she is not a responsible drinker? Does the student show a pattern of abusing alcohol?
5. What is the attitude of the student? Is he/she willing to accept responsibility for the behavior? Does he/she refuse to cooperate and not willing to accept responsibility? Does he/she display any sense of empathy for others?
6. What is the student's past record? Is there a trend of this type of behavior or other violations?

7. How would you feel if you were given this sanction to complete?
8. What is the board intending for the student to learn from this sanction?

Here are some questions the board should attempt to answer when deciding what type of sanction is appropriate.

1. What does the Student Conduct Code require for the violations?
2. What significant aggravating or mitigating factors would warrant a lesser or more severe penalty?
3. What action by the board would help the student learn from this experience?
4. What action would help the student take the process seriously and to think about her/his behavior?
5. What action would serve to deter others from similar behavior and to maintain community standards?
6. Is the sanction in any way demeaning? Is it realistic to expect the student to carry it out?
7. Does the sanction fit the incident?
8. Does the sanction violate the right to privacy?

A word of caution on sanctioning: the board must be aware that all decisions and sanctions are subject to review by Student Tribunal during an appeal. Don't go overboard when sanctioning because one thing a respondent can appeal on is the harshness of sanctions. Tribunal has the power to lessen or completely throw out the sanctions. They cannot increase the harshness of sanctions.

Probation is a sanction that should be used as a deterrent. Probation means if the Respondent is called before another judicial board during their specified probationary period a harsher sanction can be imposed if they are found in violation. A "tag line" should always be included when using probation as a sanction. It **MUST** include the length of probation, and all other applicable considerations and rationale determined by the board.

SANCTIONING CONSENSUS

If you find a student has violated the Student Conduct Code, you will be asked to impose an appropriate sanction. Past experience suggests the discussion leading to your determination of the most appropriate sanction may be more difficult than the discussion concerning whether the violation occurred. Although a unanimous decision is not required for sanctioning, it is hoped that all panel members reach consensus about what is the most appropriate sanction.

When building consensus, the objective is to elicit the concerns of all members of the group and attempt to find the best and most creative solutions. The conflict between two opposing viewpoints is valued as an opportunity to reach a better decision. Presenting an opposing viewpoint is not seen as divisive but as constructive. The input of each group member is recognized and valued equally. Participants do not compromise, but continue to offer suggestions and modify the suggestions made by others until one idea emerges which all can support.

Developing consensus within a group requires more time than other methods of decision-making. The way group members work together to reach a decision is as important as the decision itself. You should strive to have each member contribute and participate equally, despite differences in status, assertiveness or other personal qualities. In other words, the opinions of a first semester freshman should be valued and treated with as much respect as the opinions of a Ph.D. candidate or a third-year law student; the contribution of a quiet, perhaps shy, member should be listened to as carefully as the contributions of an outspoken, articulate member. You should consider and value emotions as well as logic, although distracting emotionalism is not helpful to the group's progress.

ROLE OF GROUP MEMBERS

It is your responsibility as a member of a hearing panel to:

- * encourage every other member's contributions without embarrassing the other members or putting them on the spot;
- * help the group make full use of everyone's contributions;
- * express your opinion;
- * listen to everyone's opinion; and
- * recognize and practice the qualities of effective consensus seeking groups.

QUALITIES OF EFFECTIVE CONSENSUS SEEKING GROUPS

Effective consensus seeking groups :

- * use synergistic thinking as opposed to either/or thinking;
- * generate more ideas than individuals generate independently;
- * have a high level of participation;
- * develop a climate in which members can be relaxed, open and direct; and are task oriented.

Attitudes That Support Consensus:

- * Cooperation (NOT competition)
- * Common ownership of ideas (NOT individually owning ideas).
- * Valuing feelings (NOT emphasizing facts at the expense of feelings).
- * Valuing conflict as a cooperative effort to bring out all perspectives (NOT suppressing feelings and avoiding conflict).
- * Valuing the contributions of all members (NOT allowing social prejudices to reflect in the group's dynamics).
- * Making an effort to equalize power (NOT relying on authority status).

DETERMINING APPROPRIATE SANCTIONS

A Developmental Approach

The most appropriate sanctions are those designed to fit an individual student's current developmental level. Familiarity with the basic principles of student development theory, especially theories regarding the moral development of college students, will help you create effective educational sanctions.

Students arrive at the University from a wide variety of backgrounds and at different levels of maturity. They move through developmental stages at different rates while at the University. Because students are at different stages of development, sanctions must be individually tailored for each student who violates the Community Standards. Arthur Chickering, a developmental psychologist, suggests that the most effective educational sanctions are those designed to take into account a student's need for challenge.

Challenge refers to the intellectual difficulty of the assigned sanction. A challenging sanction is most appropriate for students with a strong intellect and well-developed social skills. If a sanction is too challenging, there is a risk that the student's behavioral insights will be limited by the difficulty of the assignment. However, a serious violation of policy may demand a challenging sanction, and can be successfully completed if it is carefully structured.

Structure refers to the amount of support a student needs to successfully complete a sanction. Generally, younger students require more structure than upper class and graduate students do. A sanction with a high level of structure is appropriate for students who may need extra support to ensure successful completion of a sanction. For example, high levels of structure might include: checking in with the judicial advisor as each stage of a sanction is completed; providing the resources a student needs to complete the sanction; or providing suggested topics for a reflection paper related to community service.

Your goal should be to construct a sanction with the right amount of structure for the student to successfully meet its challenge. Too little structure or too much challenge may not allow the student to successfully complete the sanction and learn from it. On the other hand, too much structure and too little challenge may lead the student to discount the sanction and minimize its educational impact.

When the respondent addresses sanctions, listen for and ask questions about their perceived ability to successfully complete a possible sanction. You may assign someone a sanction that they feel is not appropriate, but be sure you and your judicial colleagues have an educational rationale and an appropriate structure.

GUIDELINES FOR SANCTIONS

Some guidelines for developing developmental sanctions are:

1. Win-Win

The process of sanctioning is designed so that all parties feel that they have gained something. The community may feel it has gained a more peaceful environment; the residence hall staff may feel they have helped a student develop and have gained a positive contributor to the building; and the student may feel that he/she was understood and encouraged to develop more appropriate behavior. When the sanctions are assigned with a win-win attitude, students are more likely to become valuable members of the community and to perceive residence hall staff and residence hall living in a positive way.

2. Appropriate to circumstances and violation

The sanctions must be in accordance with the seriousness of the violation and the circumstances surrounding the conduct. Doing this will emphasize the goal of educating rather than punishing students. The student will also perceive the sanctions as fair, justified and legitimate. Treat each person as an individual. It is ok to give two persons involved in the same incident different sanctions. However, keep in mind that appropriateness depends upon each individual's level of involvement, personal developmental level, and willingness to accept responsibility for their behavior.

3. Timelines

All sanctions given must have a specific deadline for their completion. The deadlines must offer adequate time for the student to complete the task while considering academic demands, job expectations, etc.. However, the process must not linger on for several months since any potential for growth will diminish as time drags on. Furthermore, we do students no service when we fail to hold them responsible for their commitments. All deadlines and the consequences for failing to meet those deadlines must be stated clearly in the letter of decision that is sent to the student. *Probation must also be assigned for a specific time period.*

4. Explaining "Why"

In order for the student to understand the purpose of sanctioning, an explanation of why certain sanctions are being imposed is necessary. Discussing why the exhibited behavior was inappropriate or disruptive, how the behavior affected others and what skills are being encouraged in the student are very helpful. Include these explanations in both the conduct hearing process and in the letter of decision. **This rationale is extremely important.** It is the foundation of a board's decision and must be stated clearly and thoughtfully.

Explicating your rationale in the proper way will help to answer possible questions and educate future boards about why such a decision was reach if the case comes up for appeal.

SANCTIONS AVAILABLE

Administrative sanctions for violations of the Student Conduct Code are as follows:

Disciplinary Reprimand:

Indicates that a student's behavior is in violation of stated University policies. Further violations of policies may result in more serious actions. At the discretion of the Board, the Reprimand may include specific educational sanctions with which the student must comply.

Disciplinary Probation:

Indicates a strong warning issued in response to more serious or frequent violations of University policies. *Probation is issued for a stated period of time.* Specific restrictions include not allowing the student to represent the University in any extracurricular activities or run for or hold office in any student group or organization. Additional restrictions or educational sanctions may also be imposed.

Other Sanctions:

Other sanctions may be imposed instead of or in addition to those specified in (section 8) of the SGA Bylaws. For example, students may be subject to dismissal from University housing for disciplinary violations that occur in the residence halls. Likewise, students may be subject to restrictions upon their driving privileges for disciplinary violations involving the use or registration of motor vehicles. Work or research projects may also be assigned.

The board is encouraged to create sanctions that will provide a necessary understanding of why such behavior is unacceptable, while contributing to the student's education. Careful attention should be paid to the type of incident, the overall demeanor of the student, mitigating and aggravating circumstances.

POSSIBLE ALTERNATIVE SANCTIONS

Sanctions should be created to meet the needs of the particular situation and the particular student. Here are some ideas for possible educational sanctions.

1. Community Service
2. Presentations - the following are suggested topics. It is important to outline in detail time, location, who should be invited and speakers.
 - a. Alcohol Awareness - Counseling Center/AA
 - b. Safety in Community Living - Police Department
 - c. Fire Safety – Fire Department or Environmental Safety
3. Papers - the following are suggested topics. The board should determine length and due date.
 - a. Alcoholism
 - b. Fire safety
 - c. Summary of Rules and Regulations
 - d. Interviews:
 - Fireman
 - Paramedic
 - Police
 - Resident Advisor, Head Resident
5. Projects
 - a. Meetings with the leadership in residence halls to work out conflicts between one group and another.
 - b. Poster project in residence halls or for campus:
 - Student Code and the Judicial System
 - Alcohol Awareness
 - Fire Safety
 - c. Fund raiser for alcohol prevention on campus.

NOTE: Creative sanctioning is an on-going process. New ideas are welcomed!!

For a more in-depth look at sanctioning please refer to Appendix D: The Handy Desk Reference Guide to Sanctioning.