

Conduct Board Survey Report

METHODOLOGY

Respondents were separated into categories as follows. First, respondents were coded into three categories to represent their status as students, faculty/staff, alumni, other, and unknown. Those in the “other” category include those who identified as community members or parents of students. Students who indicated they were expelled were included in the student category. Respondents were then coded by the type of response given; those who gave at least one piece of advice for the conduct board were labeled “advice,” while those who solely expressed concerns were coded as “expression.” Respondents who expressed the conduct process was fair were coded as “fair,” and those who provided feedback not relevant to the conduct board were coded as “other.” It was also noted when respondents previously served on the conduct board, if they mentioned the [REDACTED] case in their response, and if they indicated they were happy with having the opportunity to provide feedback to improve the conduct process.

All responses were read multiple times to construct variables based on themes. Most of the themes fall into two categories: concerns and advice. If a respondent mentioned anything related to a theme, they were coded as 1 for each variable, and 0 otherwise. Table 1 below provides more detail on these variables.

Table 1: Description of Themes

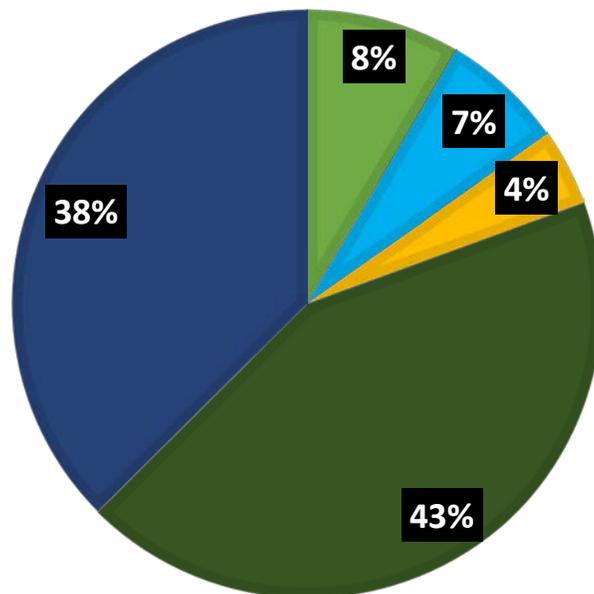
Theme	Description
Composition of Conduct Board	<ul style="list-style-type: none">• Diversity• Question maturity of student members• Members have too much power
Bias	<ul style="list-style-type: none">• Race, Ethnic, Gender, and Class Bias• Bias against certain student groups (e.g., Athletes and Greek Life)• Bias against students with different cultures or where English is a second language• Organizational Bias and Conflicts of Interest
Negative Experiences with Conduct Board	<ul style="list-style-type: none">• Respondent was wrongfully accused, or personally knew someone who was• Respondent was or personally knew someone who had a bad experience with the conduct board• Students were punished for reporting crimes if they themselves committed crimes (e.g., getting a drink spiked while underage drinking)• Respondent had a negative experience serving on the conduct board
Conduct Board Procedures	<ul style="list-style-type: none">• Assumes guilt, rather than “innocent until proven guilty”• Burden of proof for serious accusations is low• Board acts as the “judge, jury, and executioner”• Does not allow representation, even for serious accusations• No Due Process• Claims process is “educational,” but is really out to punish• Process is too confusing

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| | <ul style="list-style-type: none">• Decisions are not uniform or consistent• Off-campus crimes are handled by student conduct, often before criminal conviction |
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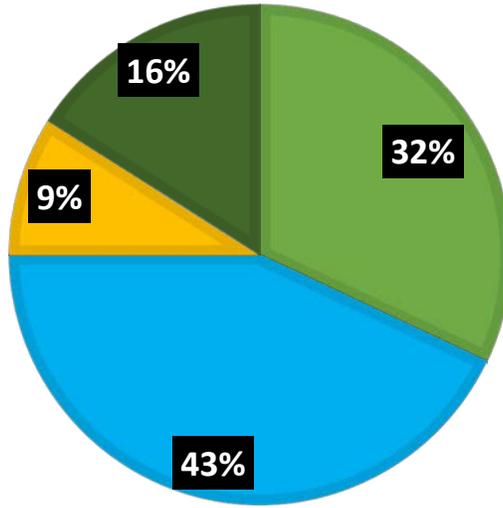
RESULTS

The sample had several key demographics. For respondent type, about 9% were alumni, 7% were faculty/staff, 43% were students, 4% were other (e.g., community members and parents) and 37% were unknown.

Most of the comments expressed concerns, gave advice, or a combination of the two. About 32 percent of the sample (n=112) solely expressed concerns, while 43 percent of the sample (n=152) gave at least one piece of advice. About 9 percent of the respondents felt that the conduct board process is fair (n=33), and about 16 percent of respondents did not provide feedback relevant to the conduct board process. The graphs below show these demographics, as well as the nature of the concerns and advice provided.

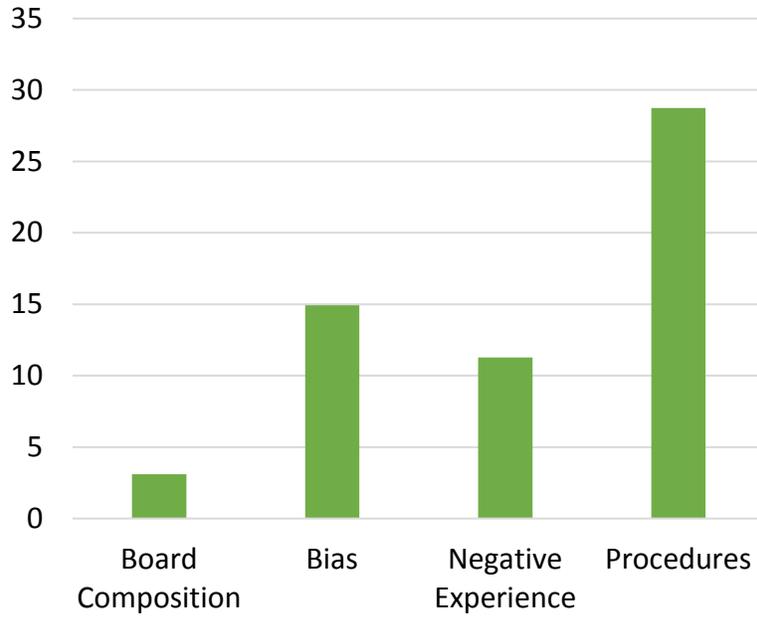


Response Type

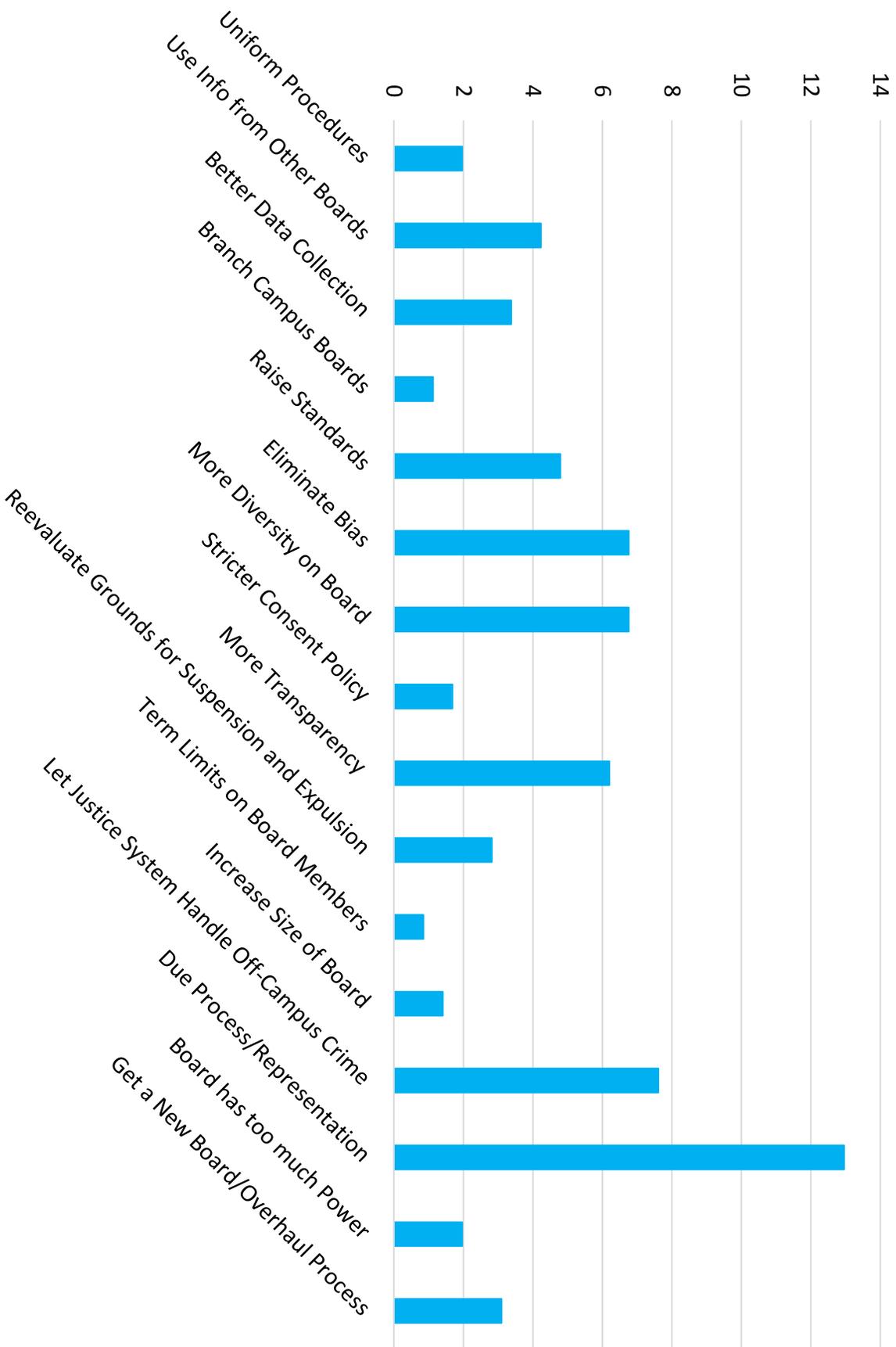


- Solely Expressed Concerns
- Gave Advice
- Felt Process is Fair
- Irrelevant Responses

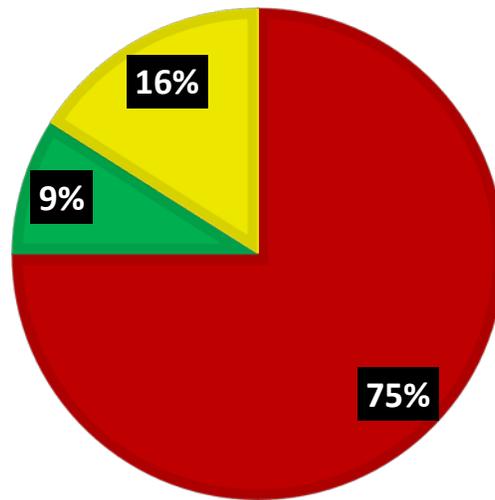
Response Type: Expressions (% of total sample)



Response Type: Advice (% of total sample)



Response Type (Positive, Negative, And Neutral)



■ Negative (Advice and Expressions) ■ Positive (Fair) ■ Neutral (Irrelevant)

Diversity of the Conduct Board

Some respondents indicated concern with the current composition of the conduct board (n=11). One response highlights this concern, questioning if WSU truly values diversity:

“I may be wrong but I see a lack of diversity in the board's composition. How many, if any, are from the school of sciences? How many males? How many of non-white ethnicity? WSU appears to talk the talk but not walk the walk.” (Student)

This comment, as well as others, present a broad definition of diversity that includes not only demographic groups, but departments and organizations on campus (e.g., the sciences and athletics). Another respondent noted a benefit to having diversity, especially more students:

“I have always felt the lack of a diverse (student) voice on the Student Conduct Board is a hindrance. I would love to see students in addition to faculty members sitting on the board. A student's finger on the pulse of campus seems far more accurate than that of university officials.” (Student)

Of those who gave advice, 24 respondents advised that the conduct board increase diversity in membership. One respondent considered diversity as a way to make students more comfortable as they navigate the conduct process:

“To increase the chances that the student feels comfortable sharing their perspective with the advisor, I think it would be helpful to ask the student if they wish to have an advisor of the same race, gender, sexual orientation, or ethnicity...A cohort of diverse individuals could be trained to serve as advisors in order to facilitate the process.” (Community Member)

Several responses attributed the conduct board's lack of diversity to unfair treatment in past cases. This example made a reference to the [REDACTED] case:

"The highly noticed judgment of [REDACTED] proves exactly the reason why more diversity is needed on the [Conduct Board]. He has not been charged nor convicted of a crime yet you are treating him like a criminal." (Alumni Respondent)

In addition to the potential benefits of diversity on the conduct board, a few respondents acknowledged the challenges with recruiting a more diverse conduct board, as expressed by this respondent:

"If anything, they could benefit from having conduct officers that are representative of the student population - but that's easier said than done." (Faculty/Staff Respondent)

Lastly, a few respondents advised that the conduct board increase its size. This respondent noted the current lack of resources:

"Overall I think the Student Conduct Office has a hard job and is under resourced and needs more employees to handle the student load and be able to process cases more expeditiously." (Student)

Bias

53 respondents expressed that the current conduct board is biased, and 24 respondents advised to eliminate bias. Similar to the diversity issue, respondents conceptualized bias in a broad way. First, racial bias was cited in several instances, and this racial bias was often associated with bias against athletes:

"Students of color on this campus are OFTEN and INCORRECTLY targeted by the conduct board, by police officers, and by other WSU staff and Pullman citizens first and foremost because of the color of their skin." (Student Respondent)

"I think the process is ineffective and extremely biased...Not only does the board show racist bias, but [the conduct board] [is] also unfair towards athletes, which has been shown on multiple occasions." (Unknown Respondent)

Ethnic and cultural bias was also a concern of the respondents. Several respondents mentioned the past treatment of international students, noting that the conduct board did not consider cultural differences that may have led to their offense. These respondents were also concerned about students who speak English as a second language, as they may not receive adequate support in representation. The response below reflects this sentiment and references the [REDACTED] case:

"Although he [REDACTED] made a terrible decision and mistake by injuring a fellow student, the SCB appeared not to take into account that he is from a different country, with different culture norms, and English as his second language. These points alone show why he needed legal representation, but also not taking these additional factors into account is a huge miss." (Alumni Respondent)

Gender bias was brought up in the comments, and several respondents expressed that the conduct board is biased against men, such as this respondent:

“During my time as a Greek Life staff member and a student, I saw quite a few cases that seemed to break a certain way simply because the person in question was a man, while the woman in the case was left largely deemed clear of any wrongdoing.” (Alumni Respondent)

Other students expressed bias in the form of hidden agendas of the conduct board, organizational bias, and potential conflicts of interest:

“The committee members look to me to have hidden agendas and not the best interest of the student in mind.” (Student Respondent)

“The system is ripe for abuse in that the organizational structure of the student conduct process is wholly under the jurisdiction of the VP of Student Affairs.” (Student Respondent)

“I am concerned that the student conduct process at WSU may lack independence or the appearance of independence due to the fact that the Director of the Office of Student Conduct and the head of the Office for Equal Opportunity (who is also the Executive Director for Compliance Title IX Coordinator and ADA Coordinator) are long-term cohabiting romantic partners.” (Unknown Respondent)

24 respondents gave advice regarding eliminating bias. Similar to the concerns, the types of bias respondents advised to eliminate varied, as demonstrated by these responses:

“Racial and ethnic bias are critical issues that need to be addressed as part of this review...I want to emphasize, though, that not only are those major concerns, but the process is broken for all students and needs to be overhauled.” (Student Respondent)

“Students, including those of different ethnic backgrounds and athletes, need to be given as much opportunity as possible to correct mistakes and not be banned from campus. All sides of the stories need to be heard and equal opportunity needs to [be] given to everyone.” (Student Respondent)

Current Conduct Board Procedures

Concern with the procedures of the student conduct process was very prevalent among the respondents; over 100 respondents indicated this concern. First, several respondents questioned the mission of the conduct board. While noting that the conduct board claims to have an educational goal, several respondents noted that the conduct board seems to value punishing students over education, such as these respondents:

“I found one point made by some of those advocating for changes to the Student Conduct Board processes to be particularly persuasive to me. The heart of this issue is the purpose of the Student Conduct Board, and how the processes align with that purpose...Is

the purpose to be punitive, and creating an additional avenue of punishment to the criminal justice system? Or is the purpose to be educational...? (Student)

“The current student conduct process fails because it tries to serve two masters: 1. Education; and 2. Punishment and Student Safety. It is good at the former function: it educates and corrects students who commit low-level offenses, such as alcohol offenses. It is lousy at the latter.” (Student)

Others advised the conduct board to provide due process to the accused, especially in instances where the consequences are severe:

“The Student Conduct Board procedures should provide more due process for the accused. Given the severity of the potential outcomes, this process should NOT be an educational process, but a legal process, including the accused having the right to be represented by council.” (Student)

Responses also addressed the potential conflict the conduct board has with the legal system, such as assuming guilt over innocence, having pre-ordained outcomes, and having the simultaneous power of a “judge, jury, and executioner”:

“Student conduct is broken, and eliminating the ‘always guilty’ presumption would help avoid attention like WSU is receiving currently.” (Alumni)

“I represented a few students in my former capacity as an attorney, in student conduct proceedings. I cannot comment on ethnic bias. I can say that in all occasions, it appeared that the outcome was pre-ordained. The sanctions were virtually identical, with little or no individualization.” (Community Member)

“I haven't been able to determine how the board is put together and who is eligible but if four people are acting as judge, jury, and executioner for a student there needs to be a higher standard met.” (Student)

Lastly, respondents noted that the conduct process is confusing. These comments came from several perspectives, including previous board members:

“I recall the process very confusing, multi-layered, and lacking clarity-- And I was on the Board. I could only imagine what it was like for students who came before the board and our proceedings.” (Student and Former Conduct Board Member)

Respondents gave several pieces of advice to change the current conduct board procedures. First, 24 respondents indicated that the conduct board should not be involved in off-campus crime until it is resolved by the courts:

“I felt frustrated with the Conduct Committee. They do a good job with matters relating to plagiarism and cheating BUT SHOULD NOT be involved in matters related to off-campus crime until the matter is investigated thoroughly by the police and has been resolved in the courts.” (Former Faculty Member)

“While I understand a student can be in breach of appropriate student conduct for issues that are not prosecutable by the judicial system, it is completely unreasonable for any student to be punished by the SCB for an action that is prosecutable. By doing so you are saying, in short, that the SCB knows better than our own judicial system.” (Student)

15 respondents advised for the conduct board to draw on information from other conduct boards to improve the process. Most of these respondents mentioned the University of Washington, such as this respondent:

“I believe we should bring in a process similar to UW's in order to give our students a more fair opportunity to due process. They should be given every opportunity to share their story.”

The most popular piece of advice was to allow due process and adequate representation, especially in serious cases; 46 of respondents gave this piece of advice, with responses such as the following:

“Before ANYTHING major, like expulsion or removal from a sports team, a student should have access to legal council. These are LIFE-CHANGING events for these kids.” (Student)

“The process used by the Student Conduct Board needs to include full due process for the accused, including the right to representation, the right to cross examine any witnesses or other evidence used against them, and the right to present evidence in their defense, all in an open forum.” (Student)

Negative Conduct Board Experiences

40 respondents described negative past experiences they had with the conduct board. These respondents included former members of the conduct board, students who went through the conduct process, and those who personally knew someone who went through the conduct process (e.g., parents).

11 respondents previously served on the conduct board, and 4 of them reported negative experiences. These respondents who previously served on the board noted experiences of bias, as well as difficulty in retaining faculty on the board:

“I also know that SCB has difficulty keeping faculty members. The reasons are obvious. First, there is a potential commitment of time that cannot always be foreseen in advance. But also there is the Board's seemingly ceaseless prejudice.” (Faculty/Staff and former member of conduct board)

Students who went through the conduct process also noted bad experiences, such as the following:

“... my experience with the SCB was horrific. There was no due process rather just a single individual's whim. I was sanctioned for [sanction redacted] not because of evidence but rather, ‘You have probably done it in the past.’” (Student)

*“I was falsely arrested several years ago, and I was an honors student at this university.”
(Alumni)*

Several respondents did not directly experience the conduct system, but personally knew or advocated for someone who had, such as the following respondent:

“My student was fined and penalized by the board with community service and then the reason that he received a warning from the police was dropped because of insufficient cause, yet the review board still treated him like he was guilty and didn't modify any of their penalties or even care that there was no charges filed against him in the legal system.” (Faculty/Staff)

Lastly, respondents noted specific experiences with conduct board members, with most of these responses being negative. Respondents especially commented on their experiences with [REDACTED] [REDACTED] and [REDACTED]. For [REDACTED] and [REDACTED] the reviews were mixed, as indicated by these responses:

“In all of these interactions, without exception, I have been not only impressed with but in awe of both [REDACTED] and [REDACTED]. They are caring, compassionate, thoughtful administrators who are exceptionally committed to student wellbeing and student success at WSU.” (Former Faculty)

“[REDACTED] and [REDACTED] are a detriment to WSU, and for the sake of current and future students, both should be fired and replaced with better people who will treat students with care and compassion, and who embody an impartial personality toward students and complaints.” (Unknown)

“All I have to say is please look into [REDACTED]. He was rude to me in person when I talked to him about [an unspecified issue], and he should have done more about my issue. I don't want to be discriminated against, but I feel that my issue was dropped and not investigated because I belong to a different race.” (Student)

While there were some positive responses for specific board members or the board in general, chair [REDACTED] reviews were negative, such as the following:

“I resigned because I did not feel comfortable working with Dr. [REDACTED]. While I was impressed with the amount and quality of the training provided to the conduct board, and the work of [REDACTED] and his staff, I just could not continue to work with a faculty member who was, in my opinion (based on observation of her in multiple hearings) biased against certain WSU student groups/organizations.” (Faculty/Staff and former member of Conduct Board)

“I feel the leader of the conduct board is not fair; she is biased.” (Faculty/Staff)

“Everything I've read and heard about the current chair is that she has her own agenda and believes that she can run the board however she thinks is necessary. I worked for 29 years as a federal auditor and can tell you that her attitude and personalized decision making process would not stand muster.” (Unknown)

“ [REDACTED] and [REDACTED] are names I will forever remember as being part of a negative experience I had with the Student Conduct process.” (Student)

In light of these negative comments, other respondents indicated how term rotation for the chair and members may eliminate potential bias, cynicism, and burnout:

“I think that it may be a good idea to set a term limit for the Chairs of the Conduct Board and the Academic Hearing Board. I believe that the chairs have been serving in those roles for a great length of time, which garners expertise but also the potential for fatigue and burnout.” (Unknown)

“My main suggestion is to have terms limits for those on the conduct board. For someone to be on the board for 15 years is troubling in that it is a lot to ask of someone not to become biased/cynical just by the sheer number of cases over the years.” (Unknown)

Fairness of the Conduct Board

Although most respondents expressed concerns or gave advice for the conduct board, about 9 percent of respondents expressed that the current conduct board procedures are fair. First, there were respondents who indicated that people are making false accusations of bias to advantage their cases, such as this respondent:

“The Student Conduct Board processes are fine as they are. Some parties are twisting the application of racial fairness for their special interests. This sort of degradation of language and meaning will just further erode the standards of the university regarding equitable treatment of individuals, and the guidelines set forth for students to follow.” (Student)

There were a few respondents who felt that the board is not biased towards certain demographic groups, such as minority students:

“As a former chair of the [position redacted] and an Asian American staff member, I can say I have never adjudicated an appeal that was not in line with the outlined due process or university values. Race was never mentioned or used against an individual and having a student on the board ensured we did not have any blind spots regarding student behavior/perspective.” (Faculty/Staff and Former Conduct Board Member)

Others feel that the process is not only fair, but too lenient:

“The WSU Conduct Board process is extremely fair, and in my personal opinion, as a student AND staff member of this community, sometimes too lenient.” (Student)

Lastly, a few respondents indicated positive experiences with members of the board, such as [REDACTED] and [REDACTED] (see “Negative Experiences” section).

ADDITIONAL DATA CONSIDERATIONS

This section outlines concerns Institutional Research has with the current data collection of the Conduct Board process, as well as input from respondents regarding this issue. First, 12

respondents indicated that the board needs to collect better data and present it to the public, and some recommend using university resources to collect data:

*“Please put online a summary of charges and findings by reference case # with sensitive Identification information redacted for [the] public to review issues and findings.”
(Unknown)*

“The Student Conduct Board needs to collect data on the cases they address to review and reflect for trends and forward thinking in order to assess what they can do to prevent the inappropriate behaviors but also to contemplate patterns, effectiveness of their interventions and training needs.” (Alumni)

“Use the excellent resources at WSU to develop a survey that will gather information related to this issue.”(Student)

Since 16% of the responses to this survey were not relevant to the conduct board, as well as the possibility of multiple survey responses by the same person, the staff in Institutional Research have questions about how the data for this survey were collected:

- How was sampling done for this survey?
- Was the survey restricted so that respondents could only take the survey once?
- Were respondents able to send the survey links to others to complete the survey?

Addressing these questions in future surveys may make for more accurate responses. In addition, we have a few recommendations for future surveys:

- As the respondents suggested, utilizing resources at WSU may help in future surveys. Among these are the Social and Economic Sciences Research Center (SESRC), as well as the free Survey Design Clinic associated with the SESRC. Information for both of these resources is available at the following links:

<https://sesrc.wsu.edu/>

<https://sesrc.wsu.edu/surveydesignclinic/>

- If the survey content is too sensitive, it would probably be best to contract the survey out to a third party outside of WSU.
- Make open-ended responses more specific, as this will lead to more relevant responses.
- Ask some close-ended questions, even if the priority is qualitative open-ended questions. This will make it easier to classify respondents into different categories.
- After collecting consistent data for a few years, it would be beneficial to do a quasi-experimental design to see if certain events impact responses, such as elections, high profile cases covered in the media, etc. It seems like the media played a role in responses, as 60 respondents mentioned the Robert Barber case.

It is important to note that 1) 17 respondents were happy that they were able to provide feedback about the conduct process and 2) 126 respondents (35%) gave their full name, so this survey is a step in the right direction.