

Student Code of Conduct Revisions

September 22nd, 2017

Revisions #12 & 13 Section Two: Prohibited Behavior

The following document outlines a summary of critiques, arguments, and revisions in response to the Student Code of Conduct revisions suggested by Wake Forest University in the fall semester of 2017. More specifically, this outline directly addresses numbers 12 and 13 in *Section Two: Prohibited Behavior* of the Student Code of Conduct. A full version of the Student Code of Conduct and the university's suggested revisions can be found at <http://studentconduct.wfu.edu/public-comment-student-handbook/>.

Context:

In the spring of 2017, a committee of students, faculty, and staff was organized to suggest revisions to Wake Forest University's Student Code of Conduct. The Code, according to the University, "describes the values of the institution and the kind of students Wake Foresters aspire to be" and "at its core, the Code of Conduct outlines minimum expectations for students inside and outside the classroom, the procedures we follow when a student may be in violation, and the range of outcomes that can happen if a student is responsible for a violation."¹ The revisions were presented with the goals "of increasing clarity, instituting best practices, and supporting student safety."² These revisions were reviewed throughout the summer and presented to the undergraduate body and staff of Wake Forest University on September 7th, 2017, in an email by the university's Division of Campus Life.

After the release of these revisions in the fall of 2017, the University stated that it will hold a period for public review and comment for these suggested revisions. This period of public review and comment include a variety of listening sessions and online forum discussion, each session focused on a different aspect of the Code. It was then stated that feedback and suggestions will be reviewed in the spring of 2018- by the same committee that created the revisions. According to the Division of Campus Life, "in some cases, feedback or suggestions may not receive full consideration because they might shift our expectations away from core values and commitment." Feedback and suggestions that contribute "positively to the clarity, consistency, and emphasis on safety will be considered for inclusion."³

As stated in the introduction of these new revisions, "It is expected that all members of the Wake Forest community will strive to live in and to promote an environment that not only recognizes individuality, but also fosters collegiality, respect for the rights and privileges of

¹ Division of Campus Life email sent out to Wake Forest University undergraduate students on Sept. 7th, 2017.

² Ibid.

³ Ibid.

others, and responsibility for individual and group actions.”⁴ In the words of these new revisions, “The Wake Forest University Undergraduate Student Conduct of Code (the “Code of Conduct”) is grounded in concern for student actions that are inconsistent with their obligations as members of the educational community.”⁵

Upon the release of these new revisions, concerns have been raised around the additions of clauses 12 and 13 of *Section Two: Prohibited Behavior* of the Code. The following document outlines the content of these clauses and provides critical critique and feedback to these revisions, in hopes of bringing to light the possible implications that may arise from the codification of these clauses.

Section Two: Prohibited Behavior

Clause 12:

“Conduct that is disorderly, lewd, or indecent; breach of peace.”⁶

Questions and Critiques:

- Why add this revision now? What are the motivations for adding this during revision?
- Vague terminology that is determinant on a subjective point of view
 - This terminology is describing but not naming specific behaviors.
 - Conduct that is described as “disorderly,” “lewd,” “indecent,” or “a breach of peace” are vague descriptives that can be interpreted in many different ways.
 - The understanding of these terms are left subjective to the reader/ witness of the conduct that is taking place- how do we measure disorderly, lewd, indecent behavior and a breach of peace?
 - Descriptives such as “disorderly,” “lewd,” “indecent,” and “a breach of peace?” are loaded with cultural sensitivities and understandings that can affect the subjective interpretation of conduct
 - What scale or definition is being used to determine the nature of the conduct and what is considered “disorderly,” “lewd,” “indecent,” or “a breach of peace?”
 - Does a vague interpretation of what “a breach of peace” means allow for the erasure of difference or discomfort that can propel the academic growth of the academic institution?
- Equitable implementation and practice

⁴ Introduction to the Student Code of Conduct Revisions

<http://studentconduct.wfu.edu/2017/08/section-one-introduction/>

⁵ Ibid.

⁶ Clause 12 of Section Two: Prohibited Behavior of the WFU Student Code of Conduct Revisions

<http://studentconduct.wfu.edu/2017/08/section-two-prohibited-behavior/>

- Because the clause uses vague and subjective language, its implementation and maintenance relies on the discretion of university police, RAs, and other authoritative parties in charge of student conduct.
- University police discretion has not proved equitable to students of color who have and still experience bias in policing on and off campus.
- If university police will be in charge of the maintenance and judgement of “appropriate conduct,” how will the equitable implementation of this clause be ensured for all students at Wake Forest University?
- Biased preferences
 - This clause prefers discussion based conflict styles and targets/ penalizes engagement styles that utilize emotive and direct forms of communication.
 - Emotional engagement could be potentially viewed as “disorderly,” “lewd,” “indecent,” and “a breach of peace,” making any type of emotional engagement potentially problematic with hefty costs.

Suggestions:

- Instead of grounding the Code in vague language that leaves room for inequitable implementation, use positive, engagement based language that move towards a value-based code of conduct.
- Instead of banning behaviors, set value-based expectations that everyone can benefit from- ie. “The University promotes conduct that encourages dialogue and behavior that cultivates a safe and inclusive environment for all students on campus.”
- Step away from language that polices behavior and embrace language that promotes the practice of inclusive values that promote student wellbeing.
- If grounded in a value-based code, the code could then be utilized to point out student conduct that is “inconsistent with their obligations as members of the educational community,” which is to “strive to live in and to promote an environment that not only recognizes individuality, but also fosters collegiality, respect for the rights and privileges of others, and responsibility for individual and group actions.”⁷

Section Two Prohibited Behavior

Clause 13:

“Substantial disruption or obstruction of any University activity and/or other authorized non-University activities which occur on or off campus. Disruptive or obstructive actions include but are not limited to: preventing an instructor or speaker from giving a lecture, by means of

⁷ Introduction to the Student Code of Conduct Revisions
<http://studentconduct.wfu.edu/2017/08/section-one-introduction/>

*shouts, interruptions, chants or other verbal or audible means; interfering with the audience's view of an instructor or speaker; preventing members of the university community from participating in class, hearing a lecture or taking an examination; disrupting business operations of the university; disrupting use of or access to libraries or residential housing; obstructing passage within, into, or out of buildings; interfering with prospective student or employer recruitment or university activities for alumni, parents or other invited guests; refusing to leave a closed meeting when unauthorized to attend; and preventing free pedestrian or vehicular movement onto or about campus.*⁸

Questions and Critiques:

- Violation of the ideals behind Pro Humanitate and liberal arts
 - Students should have access to a variety of ideas and perspectives, and forms/strategies of communication that are not valued by the dominant campus culture will be discouraged by this clause.
 - As a liberal arts college, the university should be promoting a marketplace of ideas, and protest is key to allow left-wing ideas and expression in particular to surface.
- This revision includes a broadness of the policy that would impede any kind of dissent/speech.
- Similar to a concern raised in the suggestions for clause 12, who would be in charge of the implementation and maintenance of this clause?
- What is the impetus for the inclusion of this clause? What are some examples of actions that would fall under this category?
- Again, because the word “substantial” uses vague and subjective language, its implementation and maintenance relies on the discretion of university police, RAs, and other authoritative parties in charge of student conduct.
- Clause 13 states that the “Disruptive or obstructive actions” addressed by this revision include “but are not limited to:”
 - Who has the authority and discretion to name and declare the limitations of conduct included and not included in this clause?
 - This determination is subjective and can vary from person to person, possibly leading to an inequitable implementation/maintenance of this clause
- Based off of the wording and limitations named within this policy, student protests would be considered prohibited behaviors by the university and categorized as “student actions that are inconsistent with their obligations as members of the educational community”
 - According to Cassie Barnhardt of the University of Iowa and Kimberly Reyes of the University of Michigan, “campuses derive their legitimacy in part on their

⁸ Clause 13 of Section Two: Prohibited Behavior of the WFU Student Code of Conduct Revisions
<http://studentconduct.wfu.edu/2017/08/section-two-prohibited-behavior/>

commitment to developing excellence, integrity and a sense of community among their students.” Student protest and activism can then, in this sense, provide “a space for institutions to be thoughtful about enacting those very commitments.”⁹

- Higher education research also states that student protest and activism can promote educational benefits such as “political participation” and “a greater sense of social responsibility and identity consciousness (Cole & Stewart, 1996; Stewart, Settles, & Winter, 1998).”¹⁰
 - Furthermore, students engaged with protest and activism “experience gains in critical thinking (Tsui, 2000) civic engagement (Sax, 2004) and commitment to the larger community (Barnhardt, Sheets, & Pasquesi, 2015),”¹¹ which are all values embraced by Wake Forest’s motto of “Pro Humanitate” and the introduction of the Student Code of Conduct revisions.
 - Instead of viewing campus activism and protest as inconsistencies within the values of our university, we should be viewing these as “a developmental component of student learning.”¹²
 - While campus unrest may be viewed as a “breach of peace,”¹³ campus activism and protest “must be understood in the context of civic engagement,” which is consistent with the values of a liberal arts institution.
- The disadvantages to this revisions include:
- The discouragement of vulnerable populations (vulnerable populations including but not limited to students of color, queer identifying students, students of low socioeconomic backgrounds, students who identify as women, gender-non conforming, non-binary, and students on financial aid or scholarship) from speaking out.
 - The potential stigmatization of marginalized groups who are more often targeted by institutional barriers and conduct revisions such as this one.

Suggestions:

- There is no benefit or promotion of university values from the inclusion of this revision, therefore we suggest the removal of this revision entirely.
- The inclusion of this clause shifts “our expectations away from core values and commitment”¹⁴ presented by the university and is inconsistent with the university’s

⁹ American Council on Education <https://www.higheredtoday.org/2016/03/02/embracing-student-activism/>

¹⁰ American Council on Education
<https://www.higheredtoday.org/2016/03/02/embracing-student-activism/>

¹¹ Ibid.

¹² Ibid.

¹³ Introduction to the Student Code of Conduct Revisions
<http://studentconduct.wfu.edu/2017/08/section-one-introduction/>

¹⁴ Division of Campus Life email sent out to Wake Forest University undergraduate students on Sept. 7th, 2017.

expectations to “promote an environment that not only recognizes individuality, but also fosters collegiality, respect for the rights and privileges of others, and responsibility for individual and group actions.”¹⁵

- As stated in the “Questions and Suggestions” for clause 13, what are the motivations and reasonings for the inclusion of this revision? Furthermore, how can a clause like this promote the inclusion and acceptance of different forms of cultural engagement/ conflict styles that exist on this campus?

This document of feedback and suggestions for the revisions 12 and 13 in *Section Two: Prohibited Behaviors* outlines student commitment to university values by students concerned for the well-being and voice of all students at Wake Forest University. We present this document to the Dean and Associate Dean of Students in charge of the inclusive and consistent implementation and maintenance of student conduct at Wake Forest University. We ask that this document in its entirety be considered as appropriate feedback and suggestions for the Student Code of Conduct revisions in the semesters of 2017-2018.

Jenny Vu Mai and Char Van Schenck

¹⁵ Introduction to the Student Code of Conduct Revisions
<http://studentconduct.wfu.edu/2017/08/section-one-introduction/>