INDIANA UNIVERSITY STUDENT PERSONNEL ASSOCIATION

INDIANA UNIVERSITY

Department of Higher Education and Student Affairs
School of Education
W.W. Wright Education Building, Room 236
Bloomington, Indiana 47405
(812) 855-0212

The *Journal of the Indiana University Student Personnel Association* is published by the IUSPA with support from the Department of Higher Education and Student Affairs and the Department of Residence Life. The major source of contribution is the Fund for Excellence in the School of Education. The *Journal* is produced expressly to provide an opportunity for Higher Education and Student Affairs master's degree students to publish articles pertinent to the field of Student Affairs.

JOURNAL OF THE INDIANA UNIVERSITY STUDENT PERSONNEL ASSOCIATION

1990-1991 Edition

CONTENTS

FACULTY ADVISORS

EDITORS

EDITORS' COMMENTS

This year's issue of the *Journal* reflects the diversity of interests of current College Student Personnel Administration master's students. The authors examined a variety of current issues pertinent to student affairs professionals at all levels. We hope that the articles will provide you with insights and ideas you can incorporate into your work and share with other professionals at your institution.

The articles this year were written from the authors' personal and professional experiences in their work with college students as well as from topics introduced in CSPA courses. Diversity remains an ever-present topic on college and university campuses. "Orientation: In Aggressive Pursuit of Diversity" affirms the necessity of promoting appreciation of all student populations by targeting efforts toward entering students. "Guidelines for Anti-Harassment Policies for Public Universities" examines the First Amendment of the Constitution as it applies to the college student populations and policy-making on college campuses. "Community Service on Campus" describes an approach to strengthening campus community service through the development of centralized operations on individual campuses. Finally, a literature review and series of interviews provides the basis for "Satisfaction Guaranteed: Considerations for the Job Search," which outlines recommendations for student affairs professionals in their job searches. Alumnus Michael McCleve presents his perspective on the relationship between students and the institution in "The Fiduciary Relationship: Defining Student/ Institution Relationship From Another Perspective."

Several people contributed to the production of this year's edition of the *Journal*. We recognize and thank the outstanding review board for their time and careful deliberation of articles submitted, the authors for their enthusiasm and willingness to revise their articles for inclusion, George Kuh for his editorial expertise and training of the *Journal* staff, Geoff McKim for preparing the layout of the *Journal*, and Becky Brock for designing the cover. Special thanks go to our alumnus author, Michael McCleve.

Finally, we express our appreciation to the Indiana University Fund for Excellence and the Department of Residence Life, whose funding makes the publication of the Journal possible.

Diane L. Robinson received a B.A. in Speech Communication from Texas A&M University in 1989. She served as a leadership specialist in Briscoe Quadrangle and as a career counselor in the Career Development Center. She plans to continue her work in student affairs administration.

Anne E. Spitler received a B.S. in Human Services from Virginia Polytechnic Institute and State University in 1989. She served as a placement counselor in the Educational Placement Office and will graduate in 1992.

AWARDS

Congratulations to these members of the Indiana University family on achieving the following distinctions.

Robert L. Ackerman	Robert H. Shaffer Award
John Bean	Coordinator, Higher Education program
Carol Cummins-Collier	ACPA Member-at-Large
Don Hossler	Chair, Department of Educational Leadership and Policy Studies
Deborah E. Hunter	Elizabeth A. Greenleaf Alumna Award
Patty Muller	COMU-- Outstanding Contributions to Cultural Diversity
Diane L. Robinson & Tracy M. Tyree	Winners, NASPA Region IV East Case Study Competition
Frances Stage	ASHE Promising Young Scholar Award
	IU-Bloomington Outstanding Young Faculty Member Award
	Coordinator, CSPA program
Louis C. Stamatakos	ACPA Contribution to Knowledge Award
Jamie Washington	ACPA Member-at-Large
Terry Williams	ACPA President-Elect

CALL FOR NOMINATIONS

Nominations of individuals for the 1992 Elizabeth A. Greenleaf award and Robert H. Shaffer Award are now being accepted.

The Greenleaf award is presented annually to the alumnus/a of the master's degree program in Higher Education and Student Affairs, "exemplifying the sincere commitment, professional leadership and personal warmth characteristic of the distinguished professor for whom the award is named." Previous Greenleaf Award recipients include; Vicki Mech-Fields, Keith Miser, Louis Stamatakos, Phyllis Mable, James Lyons, Paula Rooney, Joanne Trow, Carol Cummins-Collier, Thomas Miller, and Frank Ardaiolo.

The Robert H. Shaffer award is presented to an alumnus/a of the Indiana University Higher Education doctoral program who exemplifies outstanding service to the student affairs profession. Previous Shaffer award recipients include John Welty, David Ambler, L. "Sandy" MacLean, Thomas Hennessy, and Jimmy Lewis Ross.

Nominations for both awards will close on February 3, 1992. The awards will be presented at the 1991 NASPA and ACPA conferences. Please direct your nominations and supporting materials (e.g. vita) to George Kuh, W.W. Wright Education Building, Room 236, Bloomington, IN 47405. Thank you.

STATE OF THE PROGRAM

Fran Stage

Each year with the publication of the Journal of the IUSPA we make contact with the alumni of the Indiana University student affairs program. Everything is going very well, and as the new Coordinator of the Master's Program, I am pleased to have this opportunity to communicate with you.

The program faculty had a very good year and we are pleased to welcome a new Dean, Donald Warren, a scholar of the history of education from the University of Maryland. We were sorry to see Howard Mehlinger step aside, but Howard has not gone far, as he is the new director of the Center of Excellence in Education. There were changes in the department administration as well. Don Hossler was accorded an honor by his colleagues who selected him chair of the Educational Leadership and Policy Studies. ELPS is the department within the School of Education that houses Higher Education and Student Affairs, Educational Administration, and History and Comparative Education. Phil Chamberlain spent his spring semester sabbatical working on a book on philanthropy. John Bean was named new chair of Higher Education and Student Affairs.

The core faculty still include John Bean, Phil Chamberlain, Don Hossler, George Kuh, Gerry Preusz, and myself. Faculty projects for the year include the completion of two books for Jossey-Bass: *The Strategic Management of College Enrollments* by Hossler and Bean and *Involving Colleges* by Kuh and others. Other books, forthcoming for the next year include a New Directions on multicultural campus environments by Fran Stage and Kathy Manning, a former doctoral student, and an ACPA Media publication on methods of conducting research on college students. On-going projects include studies of faculty socialization, institutional distinctiveness, federal financial aid programs, audits of campus life, teaching in professional schools, and learning in college classrooms.

Adjunct faculty and key administrators in Bloomington and Indianapolis continue to play an important role in the department, including: Terrill Cosgray, Tom Hennessy, Tim Langston, Don Luce, Dick McKaig, Fran Oblander, Doug Oblander, Doug Priest, Winston Shindell, Gene Temple, Bob Weith, and Doug Wilson. Congratulations go to former adjunct Barbara Varchol who was named Dean of Students at Florida State University. Additional accolades to Dick McKaig, Dean of Students at I.U. and Winston Shindell, President of ACU-I. Doctoral students who have helped with teaching responsibilities within the department include Kathy MacKay, Diana Baker, and John Downey.

Interest in and applications for the master's program continues to grow. This year's 40 new students continue to be bright and eager--including many with campuses. When minority student orientation sessions constitute the only institutional effort to incorporate diversity, it seems that minority students assume the burden of responsibility for adjusting and for learning to respect differences (Carnegie Foundation for the Advancement of Teaching, 1990). No change is required of the students in the mainstream of campus life, and the institution conveys the message that the majority student can comfortably maintain an ethnocentric perspective (Stage & Manning, in press).

New trends in orientation efforts attempt to change this conventional institutional message. Recent orientation efforts require the mainstream student to assume responsibility for making adjustments and learning about diversity (Collison, 1988). Majority students are given the opportunity to question their past assumptions and educate themselves about cultures different from their own. Orientation programs that incorporate diversity education for the mainstream student also help them understand that they personally can gain from learning about diversity (Collison, 1988).

Diversity programs targeted to the mainstream student are becoming a top priority for many orientation programs. In the 1990 National Orientation Directors Association [NODA] survey of member institutions, sixty-three percent of institutions with 15,000 or more students, 47 percent of institutions with 5,000 to 15,000 students, and 36 percent of institutions with less than 5,000 students indicated that they specifically addressed cultural diversity during their orientation for first-year students (NODA Data Bank, 1990- 1991). Three years earlier, cultural diversity was not even mentioned as a possible topic area in the survey of member institutions (NODA Data Bank, 1986-1987).

NODA conferences are used as forums for the exchange of ideas on methods of incorporating diversity into orientation programs. The 1990 NODA Region IX Conference reflected the new emphasis in its title, "A Symposium on Diversity," devoted specifically to issues of diversity appreciation.

Theoretical and Developmental Perspective

Orientation is an important time to begin diversity education (Austin, 1990). The collegiate environment has a powerful influence on first-year students (Upcraft & Gardner, 1989). Often the incoming student is confronted with a variety of students on the college campus who may not have been present in their previous environment (Clay, 1989). A successful transition to this new environment can enhance the student's adjustment and promote subsequent growth and development (Upcraft & Gardner, 1989). Diversity education can help the first-year student understand what it means to be part of a multicultural community, and can delineate at the outset what behavior is acceptable and unacceptable (Collison, 1988). The occurrence of these interventions early in the student's collegiate experience helps establish expectations from the beginning, and eases the transition to the new environment (Upcraft & Gardner, 1989).

Diversity education in orientation also provides an initial challenge to new students that can enhance their growth and development (Upcraft & Gardner, 1989). According to William Perry's theory of intellectual and ethical development, students often enter college with a simplistic, categorical view of the world (King, 1978; Upcraft & Gardner, 1989). Students in this stage have an unquestioning, dualistic framework that allows them to view people, knowledge and values through absolute, concrete and discrete categories that are established by authorities (King, 1978). Diversity education during orientation may present a challenge to students' previously unquestioned attitudes towards issues of race, ethnicity, gender, and sexual orientation. Incorporating diversity during orientation conveys a message from the beginning that students must learn to accept responsibility for their thoughts and beliefs, and not rely on those imposed by parents or another authority. This challenge may help the incoming student to recognize alternative perspectives and multiple points of view, thus enhancing their appreciation of diversity (Upcraft & Gardner, 1989).

Diversity education during orientation can also be interpreted in terms of Lawrence Kohlberg's cognitive-stage theory of moral development. Kohlberg argued that students must have experiences that test their moral judgments and provide an opportunity to reflect on their behavior if the college experience is to affect moral development (Smith, 1978; Upcraft & Gardner, 1989). Diversity education can challenge preconventional thinking. Incoming students at this level of development may view diversity as a means of limiting free speech and placing restrictions on behavior. These students may tolerate differences in order to avoid punishment. Diversity education can help students realize that the advantages of appreciating differences goes beyond an avoidance of punishment, and that the ultimate goal of diversity education is not to limit free speech.

Diversity programs also can challenge conventional thinking. Incoming students at Kohlberg's conventional level of development may be forced to examine their unquestioned conformity to expectations of family, group, and nation (Smith, 1978). Subsequently, students may begin to accept responsibility for their personal values (Upcraft & Gardner, 1989).

Target Groups for Diversity Education

Typically when issues of diversity are discussed in relation to orientation programs, the focus is on incoming students. A comprehensive approach, however, includes three main target groups for diversity education: incoming students, parents and student staff (Austin, 1990).

<u>Incoming Students</u>

The incorporation of diversity programming for incoming students can be viewed from two perspectives. On one hand, diversity education can be viewed in terms of the benefits it provides for traditionally oppressed or underrepresented students. Diversity programs in orientation help create a more supportive environment for women, and racially and ethnically diverse students. These students may experience a sense of relief when they realize that the burden of responsibility for ending prejudice and disputing misinformation no longer rests solely on the oppressed (Clay, 1989). This effect is even greater for lesbian, gay and bisexual students (Evans & Levine, 1990; Scott, 1988). These groups' existence often goes unacknowledged and unsupported by the institution, and society in general. Therefore, orientation programs that address homophobia create an initial feeling of visibility and institutional acceptance of lesbian, gay and bisexual students on the campus (Evans & Levine, 1990).

From a second perspective, the inclusion of diversity programming in orientation can be interpreted in terms of the benefits for the majority student. This student is asked to question past assumptions and, at the very least, to acknowledge and tolerate diversity. Shifting responsibility for adjusting to a pluralistic environment on non-oppressed students prepares them for entering an increasingly diverse workforce, and a nation in which one of every three persons will be non-white by the year 2000 (Collison, 1988; Stage & Manning, In press).

Targeting majority students for diversity education during orientation allows the college to address issues early. If the institutional mission of the college includes the pursuit of diversity, education should begin with the students' arrival on campus. Students should know from the outset of their college career that they will be living in a pluralistic environment, and they should be made aware of appropriate and inappropriate behavior (Collison, 1988).

Parents

Issues of diversity are not a top priority for majority parents attending orientation programs (Coburn & Treeger, 1988). Not many white parents ask what race their son's or daughter's roommate will be, most likely because they assume the roommate will be white (Austin, 1990). Parents do not usually ask if there are student organizations for lesbian, gay and bisexual students (Austin, 1990). And although parents may inquire about the incidents of sexual assault or sexual harassment, rarely do parents focus on the underlying issue of sexism in higher education.

Parents are affected by their son's or daughter's experiences in a pluralistic environment and the aggressive pursuit of diversity that is occurring on college campuses (Coburn & Treeger, 1988). Diversity education often requires students to question beliefs and values that their parents instilled in them. In questioning past assumptions students may change or adapt previous beliefs. Parents often must contend with their son's or daughter's new views.

Orientation professionals need to lend legitimacy to issues of diversity in relation to parents through the incorporation of this topic in parent programs and through increased literature and research in this area. Some orientation programs already have taken the initiative in addressing issues of diversity with parents. For example, the University of New Haven offers a program for parents that includes a discussion of diversity (J. Martin, personal communication, April 27, 1990). The discussion focuses on what students will encounter and experience on the increasingly pluralistic college campus, and how their sons and daughters may return home with broader views as a result of their experiences with diversity. The inclusion of this topic in the parent program sends important positive messages about the institution's commitment to diversity.

Student Staff

The training of student orientation leaders constitutes an area where the incorporation of diversity can have a significant impact (Austin, 1990). Student staff are a central means of facilitating orientation sessions and assume great responsibility for carrying out the goals of the program (Orientation Directors Manual, 1988). If diversity education and awareness are goals of the orientation program, student staff play a vital role in the success of diversity efforts.

Recruiting a diverse staff is an important first step. However, attention to diversity does not end with the recruitment of minority student staff members. Students are not necessarily educated on diversity issues before they become orientation staff members (Bowles, 1981). During recruiting and interviewing student staff, each candidate's level of openness to diversity issues should be assessed. It is vital that the student staff training incorporates diversity education and that professional staff model appropriate language and behavior.

Student staff should be aware of the impact of subtle language and behavior (Upcraft & Pilato, 1982). The effects of language and behavior are heightened by the quantity, quality, and intensity of staff contact with incoming students (Upcraft & Gardner, 1989). Student staff are influential role models, and this status further increases the impact of their language and behavior on first-year students (Austin, 1990).

Use of derogatory words such as fag, cripple, spic or girl may affect the new student's perception of others (Cullen, 1990; France, 1990). A student staff member who laughs at a racist, sexist, or homophobic joke rather than confronting it sends out a message that this behavior is appropriate (Cullen, 1990). A student staff member who leads a tour through the union and mentions all offices except for the Latino Student Union subtly conveys a message, even if unintended, that this cultural group is less important than other student organizations or cultural groups. An orientation staff member who asks a male student if he has a girlfriend is assuming heterosexuality and adding to the lack of recognition of lesbian, gay and bisexual students on college campuses (Evans & Levine, 1990; Scott, 1988).

The effect of diversity training for student staff on orientation programs is not easily quantified. However, the significance of the level of diversity awareness of staff cannot be minimized because of the acknowledged impact of student orientation staff on incoming students and their parents (Orientation Director's

Manual, 1988; Upcraft & Gardner, 1989). In addition, because orientation staff often are leaders in other areas of student life, the power of their diversity training extends beyond the orientation sessions (Austin, 1990).

Appropriate Timing of Diversity Education

Efforts to incorporate diversity into summer orientation programs, orientation weeks, or other orientation programs that end before classes begin must carefully consider the developmental readiness of the incoming student (Austin, 1990). For example, diversity workshops that ask new students to take a stand, require them to change or aggressively confront their beliefs and values may present a condition of intense and inappropriate challenge for a summer program (Rodgers, 1989).

Students are confronted with many new developmental tasks such as achieving competence, managing emotions, becoming autonomous, and establishing identity (Chickering, 1969). First-year students may also feel overwhelmed by the new environment, and the ecological transition can result in stress (Upcraft & Gardner, 1989). Often these students have relatively few established support systems in place (Upcraft & Gardner, 1989). Orientation directors must find the appropriate range of support and challenge for this given context to avoid creating anxiety or disequilibrium that will overwhelm the new student (Rodgers, 1989).

Though some goals can be achieved with a summer program or orientation week, extended orientation programs represent the best forum for addressing issues of diversity (Austin, 1990; Upcraft & Gardner). When students invest quality, extensive time in a semester-long orientation course, an environment is created in which change and challenge can most effectively be addressed (Upcraft & Gardner, 1989). The climate of trust and support established within these orientation courses creates a context in which optimal dissonance can be attained (Rodgers, 1989). Students can be challenged on their views of diversity within a safe environment, and change is facilitated (Austin, 1990).

Methods of Incorporating Diversity

Orientation programs vary widely in philosophy, scope, length, content and focus. Available fiscal and human resources also vary (Upcraft & Gardner, 1989). As a result of these factors institutions of higher education use several different methods to incorporate diversity into their orientation programs. These methods are broken into three general categories for the purpose of this discussion: (1) lectures, (2) role plays, simulation games and interactive methods, and (3) videos and written materials (Austin, 1990). These categories do not occur exclusively.

Lecturing students seems to be a common approach to diversity education (Austin, 1990). The University of Michigan at Ann Arbor addressed diversity through a panel of four students who talked about their experiences with racism,

sexism, and homophobia at the university (Collison, 1988). In addition, many institutions select speakers for new student convocations based on their ability to incorporate diversity into their message.

Panels and lectures are often overused in presenting information to incoming students and therefore can lose their impact and effectiveness (Austin, 1990). Lecturing students also keeps them from having to take a stand, or take risks. However, depending on the range of optimal dissonance and the availability of support, this method may be more appropriate from a developmental perspective (Rodgers, 1989). A program that does not require the incoming student to take great risks may be justified during summer orientation when they are too preoccupied with other issues, such as finding their way around campus and meeting new people. For many students, anything more than lecturing at this point could be overwhelming.

A second, more interactive method of incorporating diversity into orientation is role plays, simulation exercises, and other games (Austin, 1990). The State University of New York at Binghamton uses an interactive diversity game called "Cultural Pursuit." Eastern Michigan University also uses an interactive method in its workshop entitled "Celebrating Our Differences" (Miller, Bober, Hudson & Poli, 1990). The goal of these diversity sessions always should be to educate within a safe and supportive environment, and not to make students feel naive, ignorant or sheltered (Collison, 1988; Rodgers, 1989).

The third method of incorporating diversity into orientation is through established materials such as videos or movies (Austin, 1990). Towson State University used the videotape Still Burning to initiate a discussion of diversity (Clay, 1989). Other institutions use videotapes such as Tale of O, or Black by Popular Demand. Indiana University- Bloomington uses a video produced specifically for their institution entitled Racism at IU. Facilitators of the discussions that follow these videos must have a high level of comfort with diversity issues and be able to abstract relevant issues (Cullen, 1990).

Other established methods include pamphlets and written materials distributed during orientation. Currently, this method is used primarily for addressing issues of race and ethnicity, although it can be expanded to address other diversity issues. Smith College publishes a pamphlet titled Confronting Racism (Kelly, Napolitano, Sheparson, 1990). This material provides an institutional statement regarding the desirability of diversity, examples of racism, examples of constructive steps that are being taken to address discrimination and a list of resource services. Bulletin boards and posters placed in areas of high visibility also can be used, though this is a more passive approach. Timing and distribution remain important issues even with written materials.

Recommendations for Implementation

Designing a single method of implementing diversity education during orientation is difficult. Differences in institutional size and climate, student demographics, available resources, and structure of the orientation program make this task almost impossible. However, there are certain issues and general recommendations for implementation that orientation directors should consider.

Orientation directors should clearly define their goals and objectives for addressing diversity issues. Programs designed to make students aware of student conduct codes dealing with diversity should vary in format from programs that encourage majority students to take advantage of the opportunities for growth available through participation in diversity events. Likewise, programs intended to increase students' awareness of the diverse student population should vary in format from programs designed to challenge students' prevailing unquestioned beliefs and values. The establishment of clear goals and objectives is critical in justifying the inclusion of diversity workshops and for gaining administrative resources for new programs.

In addition, having clearly established goals makes the later assessment of the program's effectiveness easier, and more credible. Assessment and evaluation should include an examination of appropriate levels of challenge which diversity education provides. A program that is successful on one campus, may be inappropriate on another campus because of differences in student demographics and backgrounds. Therefore, while ideas should be exchanged among institutions of higher education, programs should not be implemented without careful consideration of characteristics specific to each campus.

Institutions also should provide a clear definition of diversity. If diversity is meant to include differences in race, gender, sexual orientation, religion, ability and age, workshops should address all of these issues. Programs with titles such as "Diversity 101" should not deal solely with racism because this gives a misconception about the meaning of diversity. Either the title should be narrowed in focus, or the workshop should be broadened in scope.

Orientation directors must also decide whether or not diversity sessions offered during orientation will be mandatory or voluntary for new students. Mandatory sessions have a greater potential for reaching those students who may benefit most from the inclusion of diversity in orientation.

Often voluntary diversity programs attract those students who already are aware of and educated on issues of diversity. Although mandatory sessions have the greatest potential for reaching students, campus politics may prevent orientation directors from requiring students to attend specific program sessions. In this case, orientation directors should devote time and energy to marketing the diversity program. Program titles, publicity, and the student staff's attitude and enthusiasm towards the program can greatly promote attendance at voluntary programs.

Conclusion

Orientation professionals will need to justify diversity education if they hope to acquire resources for new diversity programs or to avoid budget reductions in existing diversity efforts. The declining fiscal resources available for higher education increases the importance of connecting diversity education to the success of orientation programs (Schuh, 1990). Literature must articulate how diversity education contributes to and supports the philosophy and goals of orientation and the institutional mission (Schuh, 1990). Methods of assessing and evaluating diversity efforts must also be developed to ensure optimal effectiveness and accountability of programs (Kuh, 1979).

Despite the fact that institutions of higher education are increasingly incorporating diversity into their orientation programs, there is currently little published literature available on this topic. Literature on orientation and issues of diversity is needed not only for institutional support, but also to facilitate further the exchange of ideas. In addition, systematic research with a theoretical basis must be undertaken for progress to occur (Knefelkamp, Widick & Parker, 1978).

References

Austin, D. (1990, May). Orientation and the issues of diversity: What's happening and what works. Presentation conducted at the National Orientation Directors Association Region IX Regional Conference, Portland, ME.

Bowles, J.K. (1981). Dealing with homosexuality: a survey of staff training needs. Journal of College Student Personnel, 22(3), 276-277.

Carnegie Foundation for the Advancement of Teaching. (1990). Campus life: In search of community.

Chickering, A.W. (1969). Education and identity. San Francisco: Jossey-Bass.

Clay, C.A. (1989). Video inspires discussion of bias: Introducing freshmen to diversity. Safehouse, 2-3.

Coburn, K.L., & Treeger, M.L. (1988). Letting go: A parents' guide to today's college experience. Maryland: Adler & Adler.

Collison, M.N. (1987). Racial incidents worry campus officials, University of Massachusetts Study. The Chronicle of Higher Education, 33(27), 1, 41.

Collison, M.N. (1988). For many freshmen, orientation now includes efforts to promote racial understanding. The Chronicle of Higher Education, 35(2), 29.

Crosson, P.H. (1988). Four-year college and university environments for minority degree achievement. Review of Higher Education, 11(4), 365-82.

Cullen, M. (1990, October). A world of difference. Presentation conducted at the National Orientation Directors Association Conference, Hartford, CT.

Evans, N., & Levine, H. (1990). Perspectives on sexual orientation. In L.V. Moore (Ed.), Evolving theoretical perspectives on students. New Directions for Student Services, No. 51 (pp. 49-58). San Francisco: Jossey- Bass.

France, S. (1990). Hate goes to college. ABA Journal, July 1990, pp.44-49.

Kelly, G., Napolitano, R., & Sheparson, J.A. (1990, May). Diversity on a "homogeneous" campus. Presentation conducted at the National Orientation Directors Association Region IX Regional Conference, Portland, ME.

King, P.M. (1978). William Perry's theory of intellectual and ethical development. In L. Knefelkamp, C. Widick, & C.A. Parker (Eds.), Applying new developmental findings, New Directions for Student Services, No.4 (pp.35-51). San Francisco: Jossey-Bass.

Knefelkamp, L., Widick, C., & Parker, C.A. (1978). Editor's notes: Why bother with theory. Applying new developmental findings, New Directions for Student Services, No.4 (pp.vii-xvi). San Francisco: Jossey-Bass.

Kuh, G.D. (1979). Evaluation: The state of the art in student affairs. In G.D. Kuh (Ed.), Evaluation in student affairs (pp. 1-11). Cincinnati: ACPA.

Miller, G.F., Bober, M., Hudson, D., & Poli, M. (1990, October). Dealing with difficult developmental issues at freshman orientation. Presentation conducted at the National Orientation Director's Association Conference, Hartford, CT.

National Orientation Directors Association Data Bank. (1986 -1987).

National Orientation Directors Association Data Bank. (1990- 1991).

Orientation Director's Manual. (1988). National Orientation Directors Association.

Rainsford, G.N. (1990). The demographic imperative: Changing to serve America's expanding minority population. In P. Steeples (Ed.), Managing change in higher education, New Directions for Higher Education, No.71 (pp. 91-100). San Francisco: Jossey-Bass.

Rodgers, R.F. (1989). Theories underlying student development. In Kuh, Bean, Hossler & Stage (Eds.) ASHE Reader on the College Student, Needham Heights, MA: Ginn.

Schuh, J.H. (1990). Financial management for student affairs administrators. Alexandria, VA: ACPA.'

Scott, D. (1988). Working with gay and lesbian students. ACU-I Bulletin, 22-25.

Smith, A.F. (1978). Lawrence Kohlberg's cognitive stage theory of the development of moral judgment. In L. Knefelkamp, C. Widick, & C.A. Parker (Eds.), Applying new developmental findings, New Directions for Student Services, No.4 (pp.53-67). San Francisco: Jossey-Bass.

Stage, F., & Manning, K. (In press). New Directions for Student Services: Framework for Creating a Multicultural Campus Environment. San Francisco: Jossey-Bass.

Upcraft, L.M., & Gardner, J.N. (1989). The freshman year experience, San Francisco: Jossey-Bass.

Upcraft, L.M., & Pilatro, G.T. (1982). Residence hall assistants in college, San Francisco: Jossey-Bass.

Patty Muller is a first-year master's student in College Student Personnel Administration. She received a B.S. from SUNY-Binghamton in Applied Social Sciences. She is currently working as an Assistant Coordinator in Briscoe Residence Center and will continue to work there next year.

Guidelines for Anti-Harassment Policies for Public Universities

Cheryl Matherly

When Dixon v. Alabama Board of Education (1961) applied the United States Constitution to public university campuses, it brought with it the complexities associated with the First Amendment. Free expression of ideas is the cornerstone of the university's academic mission. Today institutions seek to find the tenuous balance between confronting harassing speech and acts and preventing unconstitutional restrictions on expression.

This challenge has risen in the context of a surge in racially motivated incidents at colleges and universities around the country (Pavela, 1989). Racial slurs shouted out car windows and swastikas painted in residence hall room windows suggest an upswing in openly racist behavior. Public universities are finding harassing acts exceedingly difficult to restrict. District Court Judge J. Cohn explained this essential conflict in Doe v. University of Michigan (1989):

> It is an unfortunate fact of our constitutional system that the ideals of freedom and equality are often in conflict. The difficult and sometimes painful task of our political and legal institutions is to mediate the appropriate balance between these two competing values (p. 853).

The goal of this article is to identify policies by which the university administrator successfully balances the need to restrict offensive, destructive speech with the right of free expression. This article first examines the scope of racist incidents on campuses both in terms of quantifiable incidents and psychological harm to its victims. Next, it considers current policies used by various public universities and specifically articulates why policies such as those used at the University of Michigan are unconstitutional. Finally, it suggests guidelines by which an administrator might design an anti-harassment policy for a public university, with specific emphasis on policy in residence halls.

Scope of the Problem

Incidents of Harassment

Colleges and universities around the country report frequent incidents of racism. The Justice Department received thirty reports of racial incidents at colleges and universities in 1987, many involving racial epithets and offensive graffiti (Pavela, 1989). The Anti-Defamation League of B'nai B'rith reported 95 incidents in 1990 of anti-Semitism on campuses, opposed to 69 incidents in 1989 ("Anti-semitic incidents," 1991). The media has offered many examples of harassing acts. At Yale University, a swastika and the phrase "White Power" were

painted on the Afro-American Culture Center. At Temple University, a White Students Union has attracted over 130 members (Hentoff, 1989; Lawrence, 1990). At Stanford University, two students turned a music school poster of Beethoven into a black-face caricature and posted it near a black student's room (Barringer, 1989). At Indiana University, over 80 incidents of harassment have been reported to the Racial Incidents Team since 1988 (Racial Incidents Team, 1990).

Perhaps the most publicized incidents have been those at the University of Michigan which precipitated its now defunct anti-harassment policy. The University reported a rising sentiment of racism on campus. In 1987, a flier distributed on campus claimed "open season" on blacks and referred to them as "saucer lips," "porch monkeys," and "jigaboos." A few weeks later a student disc jockey broadcast racist jokes on the campus radio station. During a demonstration protesting these incidents, a student displayed a Ku Klux Klan uniform in a residence hall room window (Doe v. University of Michigan, 1989). The Michigan Board of Regents responded by implementing a strict policy that made discriminatory harassment a reason for university expulsion (Barringer, 1989). Though the policy was later declared unconstitutional, it set a precedent for addressing such incidents (Doe v. University of Michigan, 1989).

Harms of Racist Speech

Despite the severity of the incidents, it has sometimes been difficult to convince the non-victimized community of the real dangers harassing acts engender. Incidents are often dismissed as thoughtless pranks (Erickson, 1990). This attitude underestimates the impact of racist speech.

Kretzmer (1987) asserted that racist speech facilitates the spread of racial prejudice. This speech reinforces intolerant ideas among racists who already subscribe to prejudicial beliefs and may also induce non-racists to adopt such ideas. While such speech may not lead to racist actions, it perpetuates the pernicious system of beliefs and attitudes.

Racist speech also can affect the dignity of a person or group in the same manner as a libelous statement. The effect on a group's reputation or an individual's psyche is as injurious as a slap on the face. (Kretzmer, 1987; Lawrence, 1990). The psychological reactions caused by racial stigmatization can include self-hatred, nightmares, post-traumatic stress disorder, impairment of the capacity to form close interracial relationships, adverse effects on relationships within a harassed group, and even suicide. (Delgado, 1982; Kretzmer, 1987; Lawrence, 1990).

Universities may indeed be turning away potential students by ignoring such harmful acts. Erickson (1990) described the image of a campus community which overlooks intentionally hurtful acts towards its community members. Prospective students may stay away from a particular university because of its reputation for being unable or unwilling to protect its minority students.

In the face of these harms, universities are compelled to design policies to mitigate harassment. The next section examines the constitutionality of anti-harassment policies currently in place in public universities.

Existing Anti-Harassment Policies

"Fighting Words" Policies

Fighting words policies are meant to limit speech that by its "very utterance inflict[s] injury or tend[s] to incite an immediate breach of peace" (Chaplinsky v. New Hampshire, 1942, p. 572). The University of California System has expressly defined the use of fighting words as grounds for disciplinary action. The policy adopted by that university system carefully defines what constitutes fighting words and under what circumstances they may be limited:

> 'Fighting words'...include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability, and other personal characteristics..[They] constitute 'harassment' when the circumstances of their utterance create a hostile and intimidating environment which the student uttering them should reasonably know will interfere with the victim's ability to pursue effectively his or her education or otherwise to participate fully in University programs and activities (University of California, 1989).

These policies restricting only fighting words are probably constitutional. The Supreme Court ruled in Chaplinsky v. New Hampshire (1942) that fighting words are not protected under the First Amendment because they advance no constructive ideas and are of no social value. To be termed fighting words, the uttered statement must be such that it would provoke an average person to fight. The statement must be directed face-to-face and not addressed as a general statement about a group of people. Because the University of California policy meets this criteria, it is considered a constitutional approach to restricting racist speech.

Policies to Prohibit Victimizing or Stigmatizing Conduct

The second type of policy attempts to restrict a much broader range of speech. Many universities have abandoned this approach after the policy at the University of Michigan was successfully overturned (Erickson, 1990). The language of the now defunct Michigan policy offers an example of this approach. It makes violators subject to discipline for

> [a]ny behavior, verbal or physical, that stigmatizes or victimizes an individual on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap or Vietnam-era veteran status...(Pavela, 1989, p.5)

The Michigan policy suffered from two fatal flaws. First, the Federal District Court declared that the terms stigmatizing and victimizing were too broad and included too much constitutionally protected speech under their purview (Doe v. University of Michigan, 1989). The courts have consistently ruled that speech, no matter how unseemly or offensive to good taste, may not be restricted.

The second reason the Court struck down the Michigan policy was that the operative language, stigmatize and victimize, was too vague and capricious. The policy would have permitted members of the University community to be disciplined at the discretion of the administration, risking that speech both racially offensive and offensive to the sensibilities of the administration might be censored with disregard for the First Amendment (Doe v. University of Michigan, 1989).

In Tinker v. Des Moines Independent Community School District (1969), the Supreme Court said that "neither students nor teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (p.733). These First Amendment rights for members of the university community were reaffirmed in Doe v. University of Michigan. A judicious anti-harassment policy preserves free expression and includes the lessons from the University of Michigan experience.

Suggested Anti-Harassment Policy Guidelines

Policy Restrictions

There is little doubt that racist speech is undesirable, and there are methods through which universities can avoid unconstitutional censorship yet still prohibit students from flinging racial epithets at each other. Any restrictions on expression must be very specific. Policies must not limit the content of speech, no matter how offensive. They must not be vague or too broad; they must clearly define what will be deemed offensive and not restrict protected speech in the effort to eliminate offensive speech. Further, the policies must not inhibit the discussion of race or ethnicity in the classroom or criticism of university procedures (Rodriguez, 1989).

Policy Example

The University of Michigan has designed an interim anti-harassment policy to replace the one declared unconstitutional. The policy, essentially a fighting words statement, contains language narrowing the requirements of discriminatory intent, individually addressing racial epithets, and protecting any type of dialogue. It provides a likely model for constitutionally accepted anti-harassment policies:

> Discrimination and discriminatory harassment have no place in this educational enterprise. Physical acts or threats or verbal slurs, invectives or epithets referring to an individual's race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age or handicap made with the purpose of injuring the person to whom the words or actions are directed and that are not made as part of a discussion or exchange of an idea, ideology, or philosophy are prohibited (University of Michigan Interim Policy, 2, 1990).

The legal precedent suggests that a policy designed with these restrictions may well survive a constitutional challenge (Chaplinsky v. New Hampshire, 1942; Lawrence, 1990). The provisions safeguard against harassing and offensive speech without creating undue shackles on the free expression of ideas.

The test of the constitutionality, however, may be imminent. Brown University, which recently adopted a similar policy, is the first university to expel a student under a fighting words policy ("Student at Brown," 1991). The Rhode Island affiliate of the American Civil Liberties Union has suggested the University acted improperly ("Brown U. expels student," 1991). This incident is the first challenge to this type of policy and may define the legal precedent for campus restrictions on hate speech.

Residence Hall Guidelines

Doe v. University of Michigan (1989) did not specifically address restrictions on speech in the residence halls, and there have been no other cases that have addressed this issue. There have, however, been numerous cases regarding freedom of speech in regards to solicitation in the residence halls which suggest guidelines applicable to the issue of racial harassment.

It is constitutionally acceptable to restrict time and location of speech. This gives the university some leverage to protect individuals from unwanted verbal intrusion into their residence hall rooms. The Supreme Court ruled in American Future Systems v. Pennsylvania State University (1984) and again in Board of Trustees of State University of New York v. Fox (1989) that the university has an interest in protecting students from commercial speech that disturbs the tranquility of their residence hall rooms.

Webb (1985) discussed the parameters for a residence hall policy. Hallways in the living areas of residence halls are not analogous to public streets, and the residents have certain privacy rights. The issue of freedom of speech demands that there be a balance, albeit tenuous, between the rights of the speakers and the rights of unwilling listeners (Cox Broadcasting Corporation v. Cohn, 1975; Lawrence, 1990; Webb, 1985). This gives residence hall staff the authority to restrict some speech in living areas of residence halls because there are likely to be many unwilling listeners. Further, the university has the authority to restrict speech in these areas because racial harassment, especially in the context of a person's living environment, contradicts the university's function to impart learning (Goldberg v. Regents of the University of California, 1967; Webb, 1985). Students should not be confined to their residence hall rooms to avoid harassing speech. The residence hall should form some haven as part of the student's regular routine (Lawrence, 1990).

The legal precedent for restricting commercial speech in the residence halls provides a basis for a staff member to confront harassing behaviors, but as of yet the courts of have not specifically addressed the constitutionality of these measures. As such, a prudent residence hall administrator would also bear in mind the restrictions implied by the University of Michigan Interim Policy.

Summary

This article has examined harassing speech as a problem on college and university campuses, the current policies that have been implemented to restrict this speech, and possible criteria by which a constitutionally acceptable policy could be designed. Although it is deplorable that any student suffer harassment, the university must accept that some offensive speech is tolerable in the interest of protecting the First Amendment rights of the speaker. This does not, however, mean that all harassing speech must be tolerated. Instead, an effective policy strikes a balance

> on the one hand between [a] concern for the continued free expression of ideas and the democratic process dependent on that flow, and on the other, the desire to further the cause of equality...To engage in a debate about the First Amendment and racist speech without an understanding of the nature and extent that harm is to risk making the First Amendment an instrument of domination rather than a vehicle of liberation (Lawrence, 1989, B2).

The university is a unique educational environment. As legal precedent suggests, to stamp out all forms of harassment would unconstitutionally restrict the free expression of ideas. Anti-harassment policies that protect both students' rights to free expression and students' rights to be free from harassment must employ opportunities for education. Educational efforts on the part of student affairs administrators can work to raise the consciousness on campus of the harms of racist acts. Indeed, with education as a goal, a climate may be created among campus community members that does not allow for toleration or even the existence of harassing acts.

References

American Future Systems v. Pennsylvania State University 752 F.2d854 (1984).

Anti-Semitic incidents up sharply on campuses. (1991, February 13). The Chronicle of Higher Education, p. A2.

Barringer, F. (1989, April 25). Free speech and insults on campus. The New York Times, pp. A1, A11.

Board of Trustees of the State University of New York v. Fox, 109 S. Ct. 3028 (1989).

Brown U. expels student who yelled racial epithets. (1991, February 21). The Chronicle of Higher Education, p. A2.

Chaplinsky v. New Hampshire, 314 U.S. 568 (1942).

Cox Broadcasting Corporation v. Cohn, 420 U.S. 469 (1975).
Delgado, R. (1982). Words that wound: A tort action for racial insults, epithets, and name-calling. Harvard Civil Rights-Civil Liberties Law Review, 17, pp. 133-181.
Dixon v. Alabama Board of Education, 286 U.S. 930 (1961).
Doe v. University of Michigan, 721 F. Supp. 852 (E.D. Mich 1989).
Erickson, J. C. (1990). Public university anti-harassment policies. Unpublished paper.
Goldberg v. Regents of the University of California, 248 Cal. App. 2d 867 (1967).
Hentoff, N. (1989, May). Free speech on the campus. The Progressive, pp. 12-13.
Kretzmer, D. (1987). Freedom of speech and racism. Cordozo Law Review, 8, 445-513.
Lawrence, C. R. (1990). If he hollers let him go: Regulating racist speech on campus. Duke Law Journal, 3, 431-483.
Lawrence, C. R. (1989, October 25). The debates over placing limits on racist speech must not ignore the damage it does to its victims. The Chronicle of Higher Education, pp. B1-2.
Pavela, G. (1989, January). Synthesis: Law and Policy in Higher Education, 1(1), p.3.
Racial Incidents Team. (1990). Summary of cases. Bloomington: Indiana University, Dean of Students Division.
Rodriguez, E. M. (1989, November 23). Racial harassment v. free speech: Policies that avoid legal challenges. Black Issues in Higher Education, pp. 8-9.
Student at Brown is expelled under a rule barring 'hate speech.' (1991, February 12). The New York Times, p. A13.
Tinker v. Des Moines School District, 393 U.S. 503 (1968).
University of California. (1989). Policies applying to campus activities, organizations, and students (Part A), Section 51.00 et. seq.
University of Michigan Interim Policy 2, (1990). University of Michigan: Ann Arbor, MI.
Webb, M. W. (1985). To solicit or not solicit -- that is the question: Issues and guidelines for the college administrator concerned with solicitation on the college campus. St. Louis, MO: St. Louis Community College, Assessment Center (ERIC Document Reproduction Service, No. ED 255 149).

Cheryl Matherly received a B.A. in English and Political Science from the University of New Mexico. She served for two years as Assistant Coordinator in Ashton Center and plans to continue her work in student affairs administration.

Community Service on Campus

Diane L. Robinson

"Everyone can be great because everyone can serve."
Martin Luther King, Jr.

Introduction

As De Tocqueville observed in the nineteenth century, Americans are unique in that they rely on voluntary action to accomplish important tasks. The role of community service on university and college campuses has increased rapidly since the latter half of the 1980s (Theus, 1988). Students are demonstrating greater interest in volunteerism, and many administrators have responded through increased funding and advising.

Community service can be an integral, valuable portion of the campus community according to Boyer (Carnegie Foundation, 1990). This type of campus community helps to clarify academic as well as civic standards and defines the underlying values which support a community of learning. Such a community is described as purposeful, open, just, disciplined, caring, and celebrative. Students involved in community service may affirm these values in their volunteer activities and with linkages between these activities and their classroom experiences (Carnegie Foundation, 1990).

Unfortunately, on many campuses community service has been largely uncoordinated and unrecognized. By providing greater support, college and university administrators may improve services to students, enrich alumni relations by informing them about the activities and involving them as contacts in the community whenever possible, and enhance cooperation between the campus and the surrounding community. The establishment of a campus community service center is one way to achieve these goals. This article will review the current community service situation as it exists on many campuses, suggest advantages of a community service center, and make recommendations for the establishment of a campus community service center.

Current Situation

Resources

More resources have become available from nationwide service organizations such as Campus Compact and the Campus Outreach Opportunity League in the last few years than ever before. Campus Compact is an organization of over 200 university presidents across the country. The intent of this group is to increase the level of community service on college campuses nationwide using a top-down approach. Each involved president is attempting to create a campus environment which community service activity becomes an integral and essential part of undergraduate life. Part of this strategy is to incorporate community service with the academic curricula (Theus, 1988). Member institutions receive publications from the Campus Compact national headquarters, invitations to meetings, assistance with grant proposals, and service fellowships for undergraduates (Levine, 1989).

The Campus Outreach Opportunity League (COOL) was formed in 1984 by Wayne Meisel as a support network for volunteer activities. It is now staffed by young college graduates and takes a grass-roots approach to community service, offering advice on community service issues to over 450 campuses across the nation (Theus, 1988). COOL currently sponsors conferences, research, awards, and community service projects such as alternative spring breaks and programs which can be carried out on each campus. One of COOL's goals is to use community service as a means of addressing issues of campus racism by working to involve students of different races and ethnic groups (Theus, 1988).

Service groups currently exist on many campuses across the country. These include Alpha Phi Omega, the national coeducational service fraternity founded in 1925; Circle K, an affiliate of the Kiwanis Club; Student Y, a branch of the YMCA and YWCA; volunteer bureaus, which sponsor service projects and refer students to volunteer positions in the community; and campus ministries. Other organizations exist to meet more specialized needs, such as Habitat for Humanity, which constructs housing for the homeless; the National Student Campaign Against Hunger, and literacy groups.

<u>Existing Problems</u>

Campus community service traditionally has been an offshoot of campus social organizations and student activities offices (Theus 1988). Advising and funding tend to be haphazard for these groups. Communication among community service groups and with the administration is largely uncoordinated. Resources, including funding and supplies, are decentralized which often leads to competition for scarce resources and inefficient use of those resources which could be shared. As a result, students often become discouraged that the university seems to be unresponsive to their efforts and to their needs. On many campuses, no centralized records of past projects are kept which leads to a continual reinvention of the wheel. Few records are kept of individual students' service involvement in order to provide recommendations or records of service, often known as service transcripts, to potential employers. These service transcripts demonstrate the student's involvement with the community and experience to the employer.

Community service agencies seeking student volunteers are frustrated by the difficulty of contacting students (C. Rogers, personal communication, January 29, 1991). To reach interested students agency staff members may need to call several different advisors or student leaders. This time consuming process makes it difficult for agency staff to reach volunteers, particularly when volunteers are needed quickly, such as in an emergency relief situation. The decentralization also makes it difficult for the staff members to screen for volunteers who best meet the needs of their agency.

Fundraising is another problem faced by many student community service groups. The separate student organizations are not coordinated to perform joint fundraising projects and often may not have the skill or knowledge necessary to write for grants or solicit donations effectively. Conversely, organizations having excess materials or supplies they wish to donate may not know whom to contact.

Without concerted action by student affairs administrators, students may become apathetic about including community service as a part of their college education. In addition, community service agencies and employment recruiters may become discouraged from seeking help from members of the university community, and community service will not be truly integrated into university culture and activities.

Benefits and Functions of a Campus Community Service Center

<u>Benefits</u>

Better relationships with community agencies are a result of collaboration, reciprocity, and acknowledgment of interdependence. The needs of both the university and each community organization can be met with a sharing of resources and expertise (Cotton & Stanton, 1990).

A campus community service center addresses many of these issues. Such centers coordinate community service efforts and may be integrated into many different facets of the university. The author has compiled views of undergraduate students engaged in community service and relied on extensive past experience in service projects in order to describe some of the possible functions and benefits of a community service center.

In order to improve the volunteer experiences of the student, the center distributes and keeps volunteer and agency contracts. These contracts stipulate the rights and the responsibilities of the volunteer and the agency. These forms also include a section for the student to state his or her learning goals for the volunteer experience. The volunteer and agency contracts are signed by both parties and are kept on file in the service center. These contracts also serve as job descriptions for prospective volunteers.

Centralized records of each student's volunteer service are kept by the staff of the service center to facilitate dissemination of the service transcript and to serve as a basis for letters of recommendation. This is particularly important because in many cases community service agencies have high turnover among professional staff and are therefore unable to provide personalized recommendations for students. These records also assist employers seeking students with strong records of community service.

Functions

An established center serves as a central location for agencies needing volunteers and students seeking volunteer experience to connect. Outreach functions to recruit volunteers are also facilitated. The center acts as a central clearinghouse for information about volunteerism and provides resources for student groups. This centralized location enhances cooperation and communication among campus service organizations and community groups.

Administrative resources are available through the center, including advisors, meeting space, clerical support, computer access, and office supplies. In addition, project supplies such as shovels, hoses, building materials, paint, and wheelbarrows are gathered and kept in this central location for use by any student or student group engaged in community service. This allows groups unable to afford or borrow such equipment to have ready access to it, which facilitates service projects requiring these materials.

The community service center provides information on grant-writing and fundraising for student groups whose members wish to seek additional funding. Staff members apply for grants to coordinate community service among groups and for special projects. The community service center acts as a collection point for accepting and soliciting cash donations. It also allows local business people to be solicited one time by the center and not have continual requests throughout the year by many different groups. Any donation of food, supplies, or transportation could be accepted in one location.

A service library is an essential part of the service center. The library includes information about fund raising, volunteerism resources, volunteer job listings, descriptions of past service projects, information on other service programs, and project planning guidelines.

The center provides a mechanism for dealing with legal issues associated with volunteerism. It provides liability information and waiver forms for students in coordination with the campus legal services and the dean of students office.

Community service also helps students establish connections between academic life and the larger society (Boyer, 1987). The center may improve volunteers' learning experiences by conducting a series of developmental workshops about community service. The center staff hosts conferences and conducts reflection sessions for volunteers, during which they discuss their volunteer experiences and relate them to their academic studies (Boyer, 1987; Connolly, 1989). The addition of formal seminars and written or oral assignments creates a viable program for academic credit (Boyer, 1987). This unites service with the curriculum by involving faculty in the discussions, encouraging the faculty to incorporate community service in their classes, and providing them resource materials. Through retreats, courses, and orientation programs, community service also becomes an important component in fostering leadership development in students (Delve & Rice, 1990).

Alliances with career services helps to provide information on the role of volunteerism in career planning. Community service often has an impact on motivation, career choice, and responsibility (Boyer, 1987) Service is also useful to students as a method of gaining experience and exploring career options. Depending upon the sanctioning guidelines of each institution, community service may be used as a disciplinary action for various forms of misconduct by students. The center works with the campus judicial system in order to assist in the coordination of creative sanctioning. Caution is necessary to ensure that the service center is not viewed by students as a punitive organization.

Ad hoc service projects often arise on campuses. This center provides a mechanism for assisting with those projects, such as Peace Corps intern recruitment (a Campus Compact project), general Peace Corps recruitment, Volunteers in Service to America (VISTA) recruitment, Teaching For America (a teaching program in underprivileged areas) recruitment, student nominations for various service awards, and coordination of campus-wide community service projects. This office also addresses state and national legislative issues concerning community service.

Finally, the service center performs evaluations and needs assessments of volunteerism on campus. The center acts as a connection between the campus and the community. Its formation signals an active commitment by the university to community service and allows the university to benefit from the work its students do for the community.

Community service centers have already been established at some universities. Brown University has established the Center for Public Service, which works to tie community service to the curriculum. The goals of the center include facilitating educational community service opportunities and maximizing the impact such experiences have for the students, the University, and the community (Nozaki, 1989). The center sponsors workshops, forums, national and Brown fellowships, special programs, publications, and student groups (S. Stroud, personal communication, February 22, 1990). Other similar community service centers have been established at institutions such as Notre Dame, Stanford, Earlham, and Rutgers.

Implementation of a Community Service Center

The specific needs of each institution vary. These needs must be discovered and acted upon for the community service center to benefit the university community. Because each university campus has unique needs, a task force is necessary to identify options for creating a service center to meet the needs of a specific campus. The task force can take a major role in planning a center beneficial to the institution and surrounding community, but it will also benefit from some of the many resources available from established centers, Campus Compact, and COOL. This task force involves all relevant constituencies including administrative staff, faculty, students, and community representatives. Ideally, it is chaired by a professional experienced in the area of student community service. This person needs a strong service background and solid communication skills including consensus-building abilities in order to form a solid base of support for the center and meet the needs of the many different constituencies involved. The task force determines a mission for the center congruent with that of the university and with the agencies which it will help students serve. The task force also determines where the center will fit into the physical and organizational structure of the college or university.

If the institution has previously established community service programs, the program leaders should be allowed to remain autonomous while receiving the benefits of the center's increased advising, support, and cooperation. While the student leaders of those organizations may welcome the support of a community service center, they probably will not invite direct intervention by an outside person or organization.

The Duquesne University community service staff made several recommendations for the implementation of a campus volunteer program. Their guidelines include establishing an easily recognized name and logo for the program to identify it as a single entity. The staff also recommends directing letters to first-year students about the program, and introducing it to resident assistants and other campus student leaders, emphasizing how they can best involve their organizations. Arranging publicity in the campus newspaper and meeting with the university public relations staff in order to obtain media exposure is also suggested (Duquesne University Office of Programs and Activities, 1990).

Each campus must address issues of the responsibility of training and supervision, assessment and evaluation, and recognition with each off-campus organization with the various community organizations. (Cotton and Stanton, 1990). These issues can become problematic if not addressed early.

Much of the work for the center is performed by students, giving them valuable leadership and administrative experience. The actual labor for building the center and gathering resources is also done by students, thus giving them a sense of ownership of and involvement with the center.

Summary

The community service center staff provides guidance and resources for community service organizations already in place, encourages communication and cooperation between them, and addresses areas currently neglected. The center staff monitors the quality of the volunteer experiences, provides support and a community of involvement for volunteers, and enhances students' learning by allowing them to consider larger issues in the context of their own service work (Connolly, 1989).

The establishment of a community service center maximizes the accessibility of available resources and provides better support for students and the community.

The center also establishes the basis for linking community service to the curriculum. The experience students receive adds to their social and intellectual understanding of the community and fosters commitment to the betterment of the campus and community in which they live (Delve & Rice, 1990). With the emphasis on community in higher education, this is an appropriate time to explore the integration of community service on campus. As the new vision of campus community is shared, colleges and universities also may foster an appreciation for the common good of the campus, the community, the nation, and the world (Carnegie Foundation, 1990).

References

Boyer, E.L. (1987). College: The undergraduate experience in America. New York: Harper and Row.

Carnegie Foundation for the Advancement of Teaching. (1990). Campus life: In search of community. Lawrenceville, NJ: Princeton University Press.

Connolly, K. (1989). Think about it. Campus outreach, 5(2), pp. 1, 10-14.

Cotton, D. & Stanton, T.K. (1990). Joining campus and community through service learning. In C.I. Delve, S.D. Mintz, & G.M. Stewart (Eds.), Community service as values education (New Directions for Student Services, No. 50, pp. 101-109). San Francisco: Jossey-Bass.

Delve, C.I. & Rice, K.L. (1990). The integration of service learning into leadership and campus activities. In C.I. Delve, S.D. Mintz, & G.M. Steward (Eds.), Community service as values education (New Directions for Student Services, No. 50, pp. 55-64). San Francisco: Jossey-Bass.

Duquesne University Office of Programs and Activities (1990). Guidelines for implementation of a university volunteer program. , Pittsburgh, Pennsylvania: Duquesne University.

Levine, C. (1989). Members' report 1988-1989. Providence, RI: Campus Compact.

Nozaki, R. (1989). Life and learning: Public service and curriculum at Brown University. Unpublished manuscript, Brown University, Center for Public Service, Providence.

Theus, K. T. (1988). Campus-based community service: New populism or 'smoke and mirrors'? Change, 20(5), pp. 27-38.

Satisfaction Guaranteed: Considerations for the Job Search

Karen M. Ondercin
Tracy M. Tyree

As graduate students and student affairs professionals seek employment in the field, they will need to formulate a series of strategies to create a balance between professional expectations and personal needs (Scher & Barr, 1979). Person-environment fit seems vital to job satisfaction. There are certain principles and behaviors within the environment that foster job satisfaction. Some of the issues in the literature relating to satisfaction include opportunities for advancement (Evans, 1988; Hancock, 1988; Holmes, 1982), support from colleagues (Hancock, 1988), role clarification, and professional development (Shaffer, 1972).

In order to examine more closely factors related to satisfaction, the authors went to two midwestern institutions and conducted interviews with eight student affairs professionals. One institution was a small, private liberal arts university of about 4,100 students. The other was a large, Research I, state liberal arts university of about 35,000 students.

The purpose of this article is to present recommendations regarding satisfaction, based on the literature and interviews, for student affairs professionals to consider when investigating new job possibilities. Each person can evaluate the importance of these suggestions in accordance with his or her own individual or institutional needs.

1. <u>Examine opportunities for advancement</u>

Within the student affairs field, career mobility and opportunities for advancement arose as key concerns regarding staff satisfaction (Evans, 1988; Hancock, 1988; Holmes, 1982). If a professional wishes to stay in one location for any length of time, he or she might have to remain in a particular position that no longer provides opportunities for growth because of the lack of more challenging positions available (Holmes, 1982).

During the interviews, the opportunity for advancement was one factor related to their job satisfaction. Because there were more levels in the organizational structure at the larger institution, more opportunities for advancement existed. At the smaller institution, there were fewer positions to which a staff member could aspire. If these professionals were interested in advancement, they would be forced to look to other institutions for promotion, thus decreasing their satisfaction.

In searching for a job, it is unrealistic to expect opportunities for advancement to exist within each institution. Are there opportunities for you to move into a higher position at your present institution?

2. <u>Recognize the need for support</u>

Supervisory support is necessary and important in daily interactions on the job. It is important for supervisors to take an interest in their employees' work. When the supervisory structure is unclear, there can be a breakdown of support, causing negative perceptions of the job as well as personal dissatisfaction. The politics that develop among levels and departments may produce frustrations and/or send confusing messages (Hancock, 1988).

Three of four professionals at each institution felt supported by their supervisor. Staff members at both institutions felt supported by their students and co-workers. However, they indicated an occasional need to educate family and friends about what their job entails.

Potential colleagues may provide insight to the type of support they receive from supervisors, co-workers, and students. How is positive reinforcement and support shown to staff and students?

3. <u>Clarify the job expectations</u>

Role clarification within a department and within the institution also contributes to increased job satisfaction (Shaffer, 1972). By understanding their role and function within the institution, student affairs staff members will feel a greater sense of purpose.

A positive contribution to satisfaction of professionals at both institutions was the fulfillment of job expectations. They entered the field because of their desire to help others and the need to be challenged. They indicated that the opportunity to see students grow was the most beneficial part of their jobs. The rewards from their jobs were consistent with their expectations when entering the field.

It is appropriate to ask the employer to expand on his or her personal expectations of the position holder. How consistent are these expectations with yours? Would rewards from the job be consistent with your reasons for accepting the position?

4. <u>Expect to be a generalist</u>

Another factor related to role clarification is the degree to which a person is a generalist or a specialist. This affects his or her perceptions of opportunities for growth and development. Diversifying responsibilities within the department has been identified as one way to retain student affairs professionals (Burns, 1982; Hancock, 1988).

All eight professionals described themselves as generalists according to their job descriptions. However, the professionals at the larger institution saw themselves as specialists in their daily work.

Although a job description may seem specific, most student affairs professionals find themselves performing a variety of tasks within their area of specialization. What is the range of your responsibilities within the department? Will you have the opportunity to work outside the department?

5. Seek opportunities for professional development

Staff development programs are necessary to ensure professional satisfaction. Developmental activities can increase job satisfaction by encouraging staff members to grow as individuals as well as professionals (Shaffer, 1972). It is important to keep informed about developments relevant to the field. By participating in staff enrichment activities, staff members improve specific professional skills which, in turn, assist them in achieving their personal and professional goals. The perceived possibility of goal attainment may be the most salient predictor of job satisfaction (Roberson, 1990). Results of a study undertaken to examine job satisfaction in student affairs revealed that over half of the respondents indicated that staff development programs were helping them develop as professionals in their field (Bender, 1980). Student affairs staff members cannot help students grow if they, as professionals, have stopped growing (Kuh, 1985; Merkle & Artman, 1983; Shaffer, 1972).

Although professional development is an important factor in staff satisfaction, it is not consistently available. At the smaller institution, more opportunities and financial resources were available to attend conferences, workshops, and activities. Staff development sessions took place at the staff meetings. Staff members at the larger institution felt stifled in their professional development. No mention was made of staff development opportunities on-campus or within the division. While they were encouraged to attend professional development activities, little financial support was available to staff members.

A potential employer can provide information about the institutional commitment to professional development. Potential employees should ask some of the following questions. Is there financial support for you to attend professional conferences? What professional development opportunities are available on campus and within the department? How involved are current staff members in professional development activities?

6. Assess the perceived institutional value placed on student affairs

The value placed on student affairs was another factor contributing to staff satisfaction. Many professionals believe the job they do is important; however, in one study, less than one-half of the staff members surveyed thought that student affairs was considered important on their campus (Bender, 1980; Cox & Ivy, 1984). Generally, the lack of support from the university community resulted in negative attitudes of staff members. A common concern among all staff members was that a crisis must occur for the student affairs division to receive attention. At the larger institution, an awareness of value became apparent when the student affairs budget was the first to be cut.

Often an awareness of value becomes apparent by examining the budget trends within institution. When visiting a campus, ask students and faculty members their impressions of the importance of student affairs offices. Do you perceive that your position will be valued?

7. Investigate the mission of the institution and how well it is reflected within the student affairs division

Another aspect related to staff satisfaction was the awareness of the institutional mission. Staff members at the larger institution assumed their job agreed with the mission, despite the fact that they could not define the mission. At the smaller institution, the response was similar. However, the staff members were generally more aware of what the mission entailed and how their positions specifically fit into the university mission.

It is important during the job interview to determine how the position is congruent with the mission statement. Do you see a relationship between your position and the institutional mission? If not, what is the purpose of the job?

8. Explore available resources

In the student affairs literature, there was little research regarding the physical environment. According to Herzberg's hygiene factors, professionals were dissatisfied if they did not have adequate resources. However, the same research indicated that having these resources did not significantly increase satisfaction (Herzberg, 1966).

According to the interviewees, the physical environment did not significantly impact staff satisfaction. Professionals at both institutions agreed that they had an adequate amount of office space. They were also satisfied with the available resources, such as support staff, supplies, and educational materials. The lack of computers seemed to be the greatest source of dissatisfaction at both institutions. Office size and decor played minor roles in overall satisfaction.

With the advancement of technology, such items as computers and fax machines are becoming a necessity. Be observant during the interview. Would you have sufficient space and resources? If desired resources are not available, consider negotiating before accepting the position.

9. Target ways to avoid burnout

A strong feeling of dissatisfaction was noted in that professionals were unsure of their likelihood of remaining in the field. Staff members at both institutions were contemplating leaving student affairs. They offered various reasons for leaving, including low pay, long hours, and conflicting family needs.

Sometimes taking care of personal needs must be given top priority. Is it possible to pursue outside interests such as hobbies, athletics, alumni groups, and community organizations? These activities may be helpful to maintain a balanced life.

10. Realize that no job is perfect

The attitude with which one approaches a job is significant to his or her level of satisfaction. Expect to make adjustments in a new environment. Be flexible and keep things in perspective. In any job remember that a sense of humor is a valuable resource.

Conclusions

The above-mentioned factors were those most commonly identified in student affairs research. However, this is not an exhaustive list of the effects of the environment on job satisfaction. Other job characteristics of value to student affairs professionals included type of institution (private or public), salary and fringe benefits (Bender, 1980; Rickard, 1982), educational background and previous experience (Grant & Foy, 1972), and number of years worked and number of positions held in the field (Lawing, Moore & Groseth, 1982). While these were mentioned in the literature, little attention had been given to them.

These recommendations are applicable to anyone seeking a job in student affairs. However, all ten recommendations may not be priorities. Each person must decide which factors will enhance his or her own job satisfaction.

References

Bender, B. (1980). Job satisfaction in student affairs. NASPA Journal, 18(2), 2-9.

Burns, M. A. (1982). Who leaves the student affairs field? NASPA Journal, 20(2), 9-12.

Cox, D. W., & Ivy, W. A. (1984). Staff development needs of student affairs professionals. NASPA Journal, 22(1), 26-33.

Evans, N. J. (1988). Attrition of student affairs professionals: A review of the literature. Journal of College Student Development, 29, 19-24.

Grant, H. W., & Foy, J.E. (1972). Career patterns of student personnel administrators. NASPA Journal, 10(2), 106-113.

Hancock, J. E. (1988). Needs and reinforcers in student affairs: Implications for attrition. Journal of College Student Development, 29, 25-30.

Herzberg, F. (1966). Work and the nature of man. New York: Collins.

Holmes, D. R. (1982). Exploring career patterns in student affairs: Problems of conception and methodology. NASPA Journal, 20(2), 27-35.

Kuh, G. (1985). What is extraordinary about ordinary student affairs organizations. NASPA Journal, 23(2), 31-43.

Lawing, M. A., Moore, L. V., & Groseth, R. (1982). Enhancement and advancement: Professional development for student affairs staff. NASPA Journal, 20(2), 22-26.

Merkle, H. B., & Artman, R. B. (1983). Staff development: A systematic process for student affairs leaders. NASPA Journal, 21(1), 55-63.

Rickard, S. T. (1982). Turnover at the top: A study of the chief student affairs office. NASPA Journal, 20(2),36-41.

Roberson, L. (1990). Prediction of job satisfaction from characteristics of personal work goals. Journal of Organizational Behavior, 11, 29-41.

Scher, M. & Barr, M.J. (1979). Beyond graduate school: Strategies for survival. Journal of College Student Personnel, 20, 529-533.

Shaffer, R.H. (1972). Staff development -- key to survival. NASPA Journal, 9(3), 261-262.

Karen M. Ondercin is a second year master's student in College Student Personnel Administration. She received her B.A. from Iowa State University in Journalism/Public Relations in 1989. Karen worked as a graduate assistant for the Student Alumni Council for two years and will continue her work in student affairs.

Tracy M. Tyree is a second year master's student in College Student Personnel Administration. She received her B.S. from the University of Florida in Business Administration in 1989. Tracy worked as an Assistant Coordinator in Willkie Residence Center for two years and plans to continue her work in student affairs.

The Fiduciary Relationship: Defining the Student/Institution Relationship From Another Perspective

Michael McCleve

Of all the employees at an institution of higher education, none has greater need to understand the relationship between the student and the institution more than the student affairs professional. Knowing how the student/institution relationship is defined and what effects the administrator's professional actions may have on that relationship is vital in order to act for the benefit of both the student and the institution.

Since the decline of in loco parentis, the relationship between the student and the institution of higher education has lacked clear definition (Morrill & Mount, 1986; Zirkel & Reichner, 1987). The judiciary has been inconsistent and of little assistance, using a mixture of constitutional law (Dixon v. Alabama State Board of Education, 1961), contractual law (University of Miami v. Militana, 1964), and judicial restraint (Board of Curators of the University of Missouri v. Horowitz, 1978) to resolve litigation. None of these interpretations have been applied in any predictably consistent manner and student affairs administrators are hard pressed to understand how the courts will interpret the student/institution relationship next.

The lack of any clear definition, the inconsistency in past judicial cases, and the pressing need for a better understanding of the relationship between the student and the institution provides an opportunity for the examination of definitions beyond the outmoded in loco parentis. This paper proposes that the fiduciary relationship is a viable alternative and could serve as the foundation from which student affairs professionals may determine whether or not a student's academic standing should be held in jeopardy when the student is found to be responsible for an infraction of the institution's policies and/or rules. Although it is not new, the fiduciary relationship offers a clear definition of the student/institution relationship, a more adequate legal description of the student/institution relationship, and several other advantages over theories that have been used in the past.

Understanding the Fiduciary Relationship

A Definition of Fiduciary

Goldman (1966) defined a fiduciary relationship as that existing when one person reasonably places confidence, faith, and reliance in another who is sought for aid, advice, or protection. This type of relationship is usually evidenced by the disclosure of very confidential information by one party to another, the placement of a high level of trust and confidence by one party in another, or by the nearly complete domination by one party over another for the benefit of the relinquishing party. Although attorney-client, doctor-patient, and clergy

parishioner are common examples of the fiduciary relationship, the courts also recognize that the fiduciary relationship is not restricted to technical or express trusts. The fiduciary relationship is one of status. It is based on the position and knowledge of the parties entering into the relationship.

Seavey (1957) noted that a post-secondary institution's primary function is to act in a beneficient manner toward its students in every aspect of their relationship. Thus, according to Goldman (1966), "All of the elements of a fiduciary relation are present in the student-university relationship. . . . Whether because of the confidence which a student reposes in the university or because of the dominance of the university over the student and his destiny, the relationship between student and university is a fiduciary relationship" (pp. 671-72).

Key Elements of the Fiduciary Relationship

The fiduciary relationship, as applied to the post-secondary educational setting, maintains three distinctive elements. First, confidential information is disclosed by the student in the process of admission and registration. Second, trust is placed in the overwhelming power of the institution in exchange for that which could not otherwise be obtained, namely, a post-secondary education. Third, institution accepts the responsibility to act only in the best interests of the student, using its power and influence to direct the actions of the student only insofar as it is necessary to provide a post-secondary education.

The fiduciary relationship appears to be contractual by nature, but is not exclusively so. Even though an attorney is contracted by a client to provide legal services, the attorney-client relationship is still fiduciary. Because of the great deal of trust and confidence placed in the attorney to direct and control the proceedings and use specialized knowledge and skills in the courtroom for the sole benefit of the client, the attorney may be held not for breach of contract but for breach of the fiduciary relationship should the trust be broken. Likewise, even though the institution is contracted by the student to provide educational instruction and development, the student is still placing a great deal of trust and confidence in the institution's power and expertise.

The second key element of the fiduciary relationship is also maintained in the student/institution post-secondary educational setting. In any fiduciary relationship the trustee is to be held accountable for any actions taken on behalf of the beneficiary. The fiduciary relationship allows for the beneficiary of the trust to demand an accountability of that trust at will, thereby being protected from fraud or misuse of funds. In the educational setting there are numerous individuals considered to be beneficiaries of the trust, including students, parents of the students, alumni of the institution, taxpayers, proprietors of the community surrounding the institution, and the research community connected to the institution. Arguably, within the framework of the fiduciary relationship, the trustee(s) must be accountable to all of these constituencies.

Finally, the third key element of the fiduciary relationship is also protected in the post-secondary educational setting. The "property in trust" must be defined very precisely in this type of relationship. While it is understood that educating an individual is inherently an imprecise process, the fiduciary relationship requires that the property, which the student is placing in trust, be clearly defined. In other words, knowledge of the requirements necessary for fulfilling the trust must be understood by both the student and the institution.

Students must clearly understand whether or not they are required to live in the residence halls (e. g. Miami University), engage in work activities (e. g. Berea College), or attend religious classes (e. g. Brigham Young University) to complete their education. Requirements which the institution can legally establish as necessary for completion of a post- secondary education are the only ones that will be governed by the fiduciary relationship.

Institutional policies, rules or requirements which are not required for admission to or continuance at the university are outside the elements of the fiduciary relationship. Consequences resulting from violations or infractions of these types of requirements may not affect or jeopardize the student's academic progress. For example, based on the fiduciary relationship, a student who voluntarily chooses to live in a residence hall cannot be academically dismissed for violating rules of the residence halls. That particular relationship is one of tenant-landlord and any dispute within it should be settled as such, without influencing academic standing.

There are other areas of the student/institution relationship which are not necessarily fiduciary. These would include, but not be limited to disciplining students involved in off-campus incidents, protecting the reputation of the institution, and providing services beyond those required for a post-secondary education. All of these areas may or may not be controlled by other legal relationships, but they are clearly outside of the realm of the fiduciary.

Advantages of the Fiduciary Relationship

The purpose of using the fiduciary relationship is to help the student affairs professional understand when it is appropriate ,to hold the academic progress of the student in jeopardy. There are four advantages that result from accepting this ,particular definition of the student/institution relationship.

First, it provides a better description of the unique position of both the institution and the student. As Morrill & Mount (1986) have suggested, educational communities should be based on more than "a minimal concern for fairness . . . [even] . . . to the level of caring actively about one another, and even to the point of joy and affirmation" (p. 38-9). Using the fiduciary perspective, the shared values and mutual bond of trust necessary for the process of education to be carried out are protected and encouraged.

Second, the institution is given sufficient authority to establish rules and govern its constituents, while students maintain enough freedom to regulate their own rights and responsibilities. For example, the institution may reasonably and legally hold a student's academic standing in jeopardy should the student be found responsible for violating any previously established rules designed to protect the safety and security of all students. Likewise, any student has the freedom to act in his/her own best interests outside of the academic setting without any interference from the institution.

Third, the fiduciary definition recognizes the dominant position of the institution and protects the student from any misuse of that position. While it is true that the fiduciary relationship resembles a contractual agreement, it protects the first year or beginning students from their ignorance or uncertainty of the contractual obligations they are signing at the time of admission.

Finally, the definition is appropriate for students of both public and private institutions (Fowler, 1984). Thus, it is not necessary for two separate bodies of law to litigate grievances or arbitrate disputes.

Arguments and Refutations about the Fiduciary Relationship

Issues Raised in the 1960s

If the fiduciary model is as attractive as described above, why have the courts and post-secondary institutions not adopted it? Goldman (1966) suggested that three explanations are plausible. First, lawyers have failed to pursue this approach in analyzing their cases. Second, laws in this area developed at a time when courts were reluctant to look behind or tamper with the private law of any relationship having a contractual appearance. Finally, the necessity of a university education as a prerequisite for reasonable economic opportunity has not always "parallel[ed] such other socially recognized needs as medical services for physical well-being; attorney's service for legal well-being; or religious counselling for spiritual well-being" (Goldman, 1966, p. 673-74).

Although these reasons were offered in 1966, only the first reason appears to have merit today. It appears that the courts are simply waiting for lawyers to present the theory as a substantial base for their cases as several references have been cited approvingly by the judiciary toward the fiduciary relationship in a post-secondary educational setting (Bender, 1988).

It is possible that lawyers have not argued their cases from this perspective for several reasons. In an interview with one attorney conducted by the author, at least three reasons were offered for the lack of judicial cases being argued on the fiduciary basis: (1) the context of litigated cases have not been such to be presented from the fiduciary basis; (2) the elements of proof required for establishing a case on the fiduciary relationship areviewed as difficult to produce; or (3) since the courts have ruled against the special relationship of in loco parentis they may also reject the special status of the fiduciary (York, 1989)

Goldman's second and third reasons listed in 1966 for failing to adopt the fiduciary relationship are not legitimate concerns today. Refuting the second reason is not difficult. We have only to examine many of the courts' decisions handed down regarding other aspects of the law formulated in the 1930s to realize that the argument is inconsistent with today's judiciary. Many decisions have been changed and the laws reinterpreted. For example, the courts continually overturn decisions regarding residence hall living and the contractual nature of obligations entered into today versus previous decisions which used the concepts of in loco parentis to define the nature of similar obligations.

Society has been very slow to recognize the necessity of a post-secondary education for reasonable economic opportunity in today's society. That this level of education is necessary refutes Goldman's third argument. Granted, a post secondary education was not always essential for reasonable economic opportunity, but this should not preclude it from ever becoming a possibility. In fact, present-day circumstances of two-income families and ever-increasing inflation are surely convincing evidences that such is the case today.

Questions From the 1970s

Additional arguments against the fiduciary theory were also raised by Fischer (1970). He argued that too many problems are raised by the beneficiaries of a fiduciary relationship in a post-secondary educational setting being able to demand accountability at will. "Are alumni, parents, faculty, and taxpayers equally 'beneficiaries'? Could they call for an accounting at will" (Fischer, 1970, p. 5)?

The previous discussion in this paper seems to indicate that Fischer may be right. Alumni, parents, faculty, and taxpayers, as well as others in the community with direct connections and links to the institution, are indeed beneficiaries. However, it would seem that the current trends demanding accountability in higher education lend credibility to the necessity of instituting a more adequate definition of the student/institution relationship that presents accountability as a cornerstone. That no institution today is denying its responsibility to provide an accounting of its trust supports the fact that such a definition should have been recognized and adopted long ago. Had the fiduciary relationship been adopted when it was first introduced over 25 years ago the present-day dilemma may have already been resolved. What appears to have been an argument against the fiduciary relationship in the 1970s has, in fact, become a significant factor for its support in the 1980s and 1990s.

Fischer (1970) also asks, "Can the property in which the beneficiary has an interest be precisely defined? What are the 'terms' of the trust" (p. 5)? In this argument Fischer seems to have been short-sighted. The judiciary has clearly recognized that not all matters of the fiduciary relationship need to be explicitly stated when referring to other settings. The contractual nature of this relationship is not the primary concern of the judiciary. In an interview with York (1989), it was clearly explained that, "The laws governing this relationship recognize that many numerous peculiar incidents do exist, without them being explicitly enumerated or stated. The basic interpreting guideline is whether or not the trustee(s) act for the good of the beneficiary and not for its own interests."

It is reasonable to expect the relationship of the student and the institution to involve much more than is possible to have written and yet still have that relationship defined as fiduciary. In fact, "it could be one of the greatest advantages of the fiduciary relationship" (York, 1989).

A third argument is presented by Fischer as he raised the question, "How can the university cope with constantly changing numbers of 'beneficiaries?' Would students consent to a passive role in the operation of the university, and if they would not, wouldn't they unbalance the fiduciary's power to control the trust which makes accountability desirable" (p. 5)? Such an argument is not only ambiguous, but quite negligible. The relationship between the student and the institution does not correspond to the fiduciary relationship of the promoter-corporation or corporate director-shareholder as much as it does the fiduciary relationship of the clergyman-parishioner or counselor-client. There is a great deal of mutual, active interaction and reaction in the educational context. The students have had, and should continue to have, an active role in the affairs of the institution to the extent that the post-secondary institutions have always allowed. There is no need to jeopardize this aspect of the relationship simply because the institution is accepted as fiduciary.

Further, the argument is apparently quite negligible when taken in the context of the realization that post-secondary institutions have been handling the problem of a fluctuating student body since their beginning, regardless of the way the relationship between the student and the institution has been defined. Accepting the relationship as fiduciary will not change the way in which institutions deal with the variableness of the student population.

Conclusion

The fiduciary relationship is one of status. It recognizes that one party or individual dominates the other by mere status or because of confidential information that has been divulged. The other party is protected from fraud or misuse by having the right to demand an accounting of the trust. Additionally, the property of the trust is defined very precisely.

In the post-secondary educational setting the institution is clearly in a position of dominance over the entering freshman. Likewise, the student divulges a great deal of confidential information and places a high degree of trust in the institution. Finally, although the process of education suggests that the property of this particular trust is difficult to define, the basis for a breach of the trust as found in the rules and policies for admission and continuance at the institution of higher education is clearly spelled out and thus, the parameters of the trust are very precise.

There are some distinct advantages to the fiduciary relationship. The unique position of both the institution and the student is better described. The authority of the institution to establish rules and govern its constituents is preserved, while students maintain enough freedom to regulate their own rights and responsibilities. The student is protected from the dominance of the institution and, finally, the relationship is clearly appropriate for students of both public and private institutions.

The arguments presented against the fiduciary relationship in the post-secondary educational setting can be overcome. In fact, as Fowler (1984) noted, "A court which chose to focus on the fiduciary relationship between the student and the institution might well begin to clarify an ambiguity in the law that has lasted for almost 100 years" (p. 416). Likewise, student affairs professionals may find the fiduciary relationship more appropriate and more accurate in determining when a student's academic standing can and should be placed in jeopardy.

References

Bender, M. (1988). Novel theories of the student-educational institution relationship. In M. Bender (Ed.), Education law: Sec. 8.01, Student-education relationship: Overview. Vol. 2 (p. 8-7). New York, NY: Matthew Bender & Co., Inc.

Fischer, T. C. (1970). Due process in the student-institutional relationship. ERIC Report No. AA 000 597. American Association of State Colleges and Universities. (Washington, D. C.) (ERIC Document Reproduction Service No. ED 041 189).

Fowler, G. A. (1984, July). The legal relationship between the american college student and the college: An historical perspective and the renewal of a proposal. Journal of Law & Education, 13, 401-16.

Goldman, A. G. (1966). The university and the liberty of its students--A fiduciary theory. Kentucky Law Journal, 54, 643-82.

Morrill, R. L., & Mount, C. E. (1986, January-February). In loco parentis revisited? Change, 18(1), 34-40.

Seavey, F. (1957). Dismissal of students: Due process. Harvard Law Review. 1407(3), 70.

Zirkel, P. A., & Reichner, H. F. (1987, February). Is in loco parentis dead? Phi Delta Kappan, 68, 466-69.

Michael McCleve graduated from the CSPA program in 1990 with a master's thesis on leadership development. He is now working at Weber State University in Ogden, Utah as the Coordinator for Student Government. He received a B.A. in philosophy from Brigham Young University in 1987.